

EXHIBIT “1”

2 P R O C E E D I N G S

4 THE VIDEOGRAPHER: Today is February 22nd,
5 2022. The time is approximately 10:04 a.m. We
6 are now on the record.

7 This is the beginning of media 1 in the
8 deposition of Chad Westendorf in the matter of
9 Michael Tony Satterfield and Brian Harriott
10 versus Richard Alexander "Alex" Murdaugh, et
11 al. The case is in the Court of Common Pleas
12 for the Fourteenth Judicial Circuit, County of
13 Hampton, State of South Carolina, case Civil
14 Action Number 2021-CP-25-0298. Today's
15 location is 1500 Calhoun Street, Columbia,
16 South Carolina 29201.

17 My name is Chuck Habrack. I am the
18 videographer. The court reporter is Cindy
19 First. We are representing EveryWord, Inc. If
20 counsel will please introduce yourself, whom
21 you're representing, then the court reporter
22 can swear in the witness.

23 MR. BLAND: I'm Eric Bland, Scott Mongillo
24 and Ronnie Richter, on behalf of the Plaintiff,
25 the Estate of Gloria Satterfield.

CHAD WESTENDORF - ROUGH DRAFT

1 MR. LYDON: Tommy Lydon on behalf of Chad
2 Westendorf.

3 THE COURT REPORTER: Please raise your
4 right hand to be sworn. Do you solemnly swear
5 the testimony you are about to give shall be
6 the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 MR. WESTENDORF: Yes, ma'am.

9 - - -

10 CHAD WESTENDORF, being first duly
11 sworn, was examined and testified as
12 follows:

13 - - -

14 EXAMINATION

15 - - -

16 BY MR. BLAND:

17 Q Good morning, Mr. Westendorf.

18 A Good morning.

19 Q My name is Eric Bland. I represent, as
20 you know, the Estate of Gloria Satterfield and the
21 personal representative of her estate, her son, Tony
22 Satterfield.

23 We are here to take your deposition today
24 in the case that's pending at this time against Alex
25 Murdaugh, Eddie Smith and, I believe, Bank of

CHAD WESTENDORF - ROUGH DRAFT

1 America. You are no longer a party. Your bank is
2 no longer a party; and so that is the circumstances
3 of we're taking your deposition today. It's by a
4 videographer and court reporter.

5 Have you ever had your deposition taken
6 before?

7 A No, sir.

8 Q Okay. Do you understand the rules of the
9 road, how it's going to be, in terms of I ask you
10 questions and then you give answers to those
11 questions, and everything is recorded by Cindy and
12 also by the videographer?

13 A Yes, sir.

14 Q You'll have the opportunity at the end of
15 this deposition to make a decision whether you want
16 to read and sign your transcript. Your lawyer will
17 give you that advice.

18 So with that said, let's get started.

19 A Okay.

20 Q How many times did you meet with Tony
21 Satterfield or Brian Harriott?

22 A I didn't.

23 Q How many times did you ever speak to Tony
24 or Brian?

25 A I didn't.

CHAD WESTENDORF - ROUGH DRAFT

1 Q How many documents did you send to Tony
2 and Brian in connection with the work that you did
3 as personal representative of the Estate of Gloria
4 Satterfield?

5 A None.

6 Q Did you speak with any of the family
7 members of Gloria Satterfield during your
8 representation of the estate as the PR?

9 A No, sir.

10 Q Okay. And my understanding is you were
11 personal representative from about December 18th,
12 2018, until late September of 2021. Is that
13 correct?

14 A That is correct.

15 Q All right. Other than your initial
16 documents that you filed with the probate court, and
17 then the documents that Tommy helped you filed in, I
18 think, October or September of 2021, did you file
19 any other documents with the probate court?

20 A No, sir.

21 Q Okay. My understanding in this matter is
22 that this was the first time you acted as personal
23 representative of somebody's estate. Is that
24 correct?

25 A Yes, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Okay. What did you do to educate yourself
2 or avail yourself of what your responsibilities and
3 duties were?

4 A Spoke to Cory Fleming, the attorney for
5 the estate, when I met with him.

6 Q Okay.

7 A Asked him what I needed to do as the
8 personal representative.

9 Q Did he give you any written documents or a
10 list of items that you were supposed to do?

11 A No, sir.

12 Q Did you do any independent research on
13 your own and look up under South Carolina law what a
14 PR is supposed to do on behalf of an estate?

15 A No, sir.

16 Q All right. Did you talk with Alex
17 Murdaugh at all about what your duties would be as
18 personal representative?

19 A I had questions when he asked me if I
20 would serve.

21 Q Okay. Did the request come from Cory or
22 from Alex for you to serve?

23 A Alex.

24 Q Okay. And I know that there's a document
25 that we'll get to where you said that you sought

CHAD WESTENDORF - ROUGH DRAFT

1 permission from your supervisors, whether it was
2 Russ Laffitte or somebody else on the board. Did
3 they give you the consent to serve as PR?

4 A Yes, sir.

5 Q All right. Did they assist you in your
6 duties as PR?

7 A No, sir.

8 Q Did they tell you, hey, this is what you
9 need to do or this is what you don't need to do?

10 A No, sir.

11 Q Were you aware that Russ Laffitte had been
12 a PR for the Murdaugh firm clients in other cases?

13 A I was told he had served, but I didn't ask
14 him.

15 Q Okay. Did you understand that, as a
16 personal representative, that you were a fiduciary?
17 Do you understand the term "fiduciary"?

18 A I did not.

19 Q Okay. Do you understand it now?

20 A Not really.

21 Q Okay. That you owed duties not only to
22 the estate, who you were a personal representative
23 for -- right?

24 A Yes, sir.

25 Q -- but that you realize that you are an

CHAD WESTENDORF - ROUGH DRAFT

1 officer of the court? Did you realize that?

2 A I did not.

3 Q Okay. Did you realize that you had to be
4 approved by the probate court to be a PR, right?

5 A Yes.

6 Q Did you ever have any concerns about the
7 duties, what your duties were or what you were
8 supposed to be doing or you were more reactive, and
9 Cory Fleming would ask you or tell you to do
10 something?

11 A Prior to accepting, I had some concerns
12 about what -- what liability I would have for --
13 from creditors. That was my main question I asked,
14 if there was any personal back on me.

15 Q Who did you ask that of?

16 A Alec.

17 Q What did Alec tell you?

18 A He said there wasn't any problem, it
19 wouldn't come back on me.

20 Q Did you wonder if you had to have like a
21 bond or insurance?

22 A I did not.

23 Q Okay. And so your main concern was what
24 liability you may have to the creditors?

25 A Sure.

CHAD WESTENDORF - ROUGH DRAFT

1 Q And who were the creditors? Do you
2 remember?

3 A I don't know.

4 Q Do you remember whether they were medical
5 providers, funeral homes, or anything like that?

6 A No, sir.

7 Q All right. Do you think it was your job
8 to find out who the creditors of the estate were if
9 you were going to be the PR?

10 A Again, I asked the attorney what I needed
11 to do.

12 Q Okay. What was your job? As PR, tell me
13 what you were supposed to do.

14 A I don't know.

15 Q Were you supposed to be just in name only
16 or did you have actually affirmative duties? You
17 don't know?

18 A I don't know. I mean, my first meeting
19 with Cory, I asked what I needed to do as personal
20 representative; did I need to --

21 Q What did he tell you?

22 A He said, "Nothing at this moment. I'll
23 take care of it."

24 And I asked specifically about opening an
25 account, did I need to open an account, did it need

CHAD WESTENDORF - ROUGH DRAFT

1 to have an estate account.

2 And he said, "Not at this time."

3 Q Well, did you have a fee agreement with
4 the estate that would set forth how you would be
5 compensated or what your scope of duties would be?

6 A No, sir.

7 Q Did you ever think that you needed such a
8 fee agreement?

9 A I didn't know about it, no, sir.

10 Q Did you ever educate yourself on what the
11 actual claims were that were being made by Cory
12 Fleming on behalf of the estate or the PR against
13 Alex Murdaugh? Did you ever educate yourself on
14 those claims?

15 A On the accident?

16 Q Yes.

17 A I was told in judge's chambers, the first
18 time we met, what those were.

19 Q So when you accepted to become PR, and
20 before you actually got approved, there was a gap in
21 time.

22 A Yes, sir.

23 Q You didn't educate yourself on what the
24 claims were?

25 A When I accepted it initially, I wasn't

CHAD WESTENDORF - ROUGH DRAFT

1 aware of what the case was. And after I accepted,
2 then I was told what the case was, but from that
3 point forward, no.

4 Q So the first time you really found out
5 about it was when you went to Judge Mullen's
6 chambers on December 19th?

7 A Correct.

8 Q Is that your custom, to accept a title or
9 an office without understanding what the office
10 would entail?

11 MR. LYDON: Object to the form.

12 You can answer if you can.

13 BY MR. BLAND:

14 Q You know, somebody names you as president
15 of the banking association, do you say, "Well, look,
16 I need to know what my duties would be or what I'm
17 supposed to do as a president and what it's all
18 about"? Do you understand?

19 A Yeah, I understand your question.

20 Q I'm a little taken aback that you would
21 accept becoming a PR for a claim and not really
22 understand what the claim would be.

23 Did you find it strange that Alec was the
24 one that was asking you to be the PR when he was
25 the, quote, target defendant? There hadn't been

CHAD WESTENDORF - ROUGH DRAFT

1 litigation started, so there was a claim.

2 You understand the difference between a
3 claim and litigation?

4 A No.

5 Q Okay. At that time Cory had written
6 Alex's homeowners insurance carrier and the excess
7 carrier and made a demand for the death of Gloria
8 Satterfield. Do you remember hearing about that?

9 A Yes.

10 Q Okay. And that was not in litigation.
11 Cory didn't file a complaint. Alex didn't get a
12 lawyer to answer the complaint. There weren't
13 depositions. He wrote a letter; and as a result of
14 that, the primary carrier tendered their limits, and
15 then the excess carrier offered a portion of their
16 limits.

17 Are you aware of that?

18 A Yeah.

19 Q Okay. So when you accepted to become PR,
20 did Cory give you all of the documents --

21 A No, he did not.

22 Q -- to say, hey, here's what I have
23 demanded. You know, the accident happened on
24 February 2nd. The dogs caused Gloria to fall down
25 the stairs. We're making a demand of these

CHAD WESTENDORF - ROUGH DRAFT

1 characters.

2 Did Cory do that?

3 A No, sir.

4 Q Okay. Would you agree with me just
5 because somebody falls on a property and dies, that
6 doesn't make a landowner liable, right?

7 MR. LYDON: Object to the form.

8 You can answer.

9 THE WITNESS: Excuse me?

10 MR. LYDON: You can answer, if you can.

11 BY MR. BLAND:

12 Q Did you educate yourself?

13 A No, I did not on the insurance, no.

14 Q Did you educate yourself on finding out,
15 what was Alex's responsibility for Gloria's death?
16 Why does his homeowners carrier, his excess carrier
17 have to pay? Did you ever ask those questions?

18 A I didn't investigate, no, sir.

19 Q Okay. So from March 28th, 2018, up until
20 December 18th, 2018, when you became PR, Tony
21 Satterfield was PR. And you told me you had no --
22 you didn't meet him; you didn't speak to him or
23 whatever.

24 A No.

25 Q What made you more qualified to be PR than

CHAD WESTENDORF - ROUGH DRAFT

1 Tony?

2 A I don't know.

3 Q Did you ever ask why Tony shouldn't
4 continue to serve?

5 A No, sir.

6 Q Did you know that Tony was the PR and that
7 you were replacing him?

8 A I saw in my document from the probate that
9 I was successor PR.

10 Q Okay. You appear to me to be a very
11 serious individual. I've done some research on you.
12 You know, you're well-regarded in the Hampton
13 community. I mean, you would agree to take on this
14 responsibility to be a personal representative of an
15 estate is a serious thing?

16 A Yes, sir.

17 Q And I assume that you wanted to take it
18 seriously.

19 A Yes, sir.

20 Q Now, looking back in hindsight, I would
21 think that you would say to yourself, I wish I would
22 have done this or this or this, right?

23 A Yes.

24 Q Okay. So in this case -- 1 -- Tommy sent
25 me your complete file.

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1 A Okay.

2 - - -

3 (Description marked

4 PARTYEXB Exhibit

5 Number for identification.)

6 - - -

7 BY MR. BLAND:

8 Q And so I'm going to show you as Exhibit 1
9 the documents that Tommy sent to me (handing). And
10 these are Bates stamp number Westendorf 000001 --
11 five zeros and a 1 -- through 65. And I'm going to
12 ask you just to review it. I'm not going to ask you
13 questions.

14 But do these appear to be the extent of
15 the file documents that you had in connection with
16 your duties as PR?

17 A (Witness complies with request.)

18 Yes, sir.

19 Q Okay. And those are documents that you
20 either obtained or were sent to you. Who -- I
21 assume Cory would have provided those to you, Cory
22 Fleming.

23 A Some of those.

24 Q Some of those. Okay.

25 Would you agree with me that up until the

CHAD WESTENDORF - ROUGH DRAFT

1 time you actually resigned as PR in late
2 September 2021, you continued to owe duties up until
3 that time to the estate, which you were a personal
4 representative, as well as to the probate court?

5 A Could you ask that one more time? I'm
6 sorry.

7 Q Would you agree with me that up until the
8 time that you resigned in late September 2021, that
9 you would have continued to owe duties up until that
10 date to not only the estate, but to the probate
11 court?

12 A I understand that now. Yes, sir.

13 Q Okay. So that is the extent of the
14 documents that you have in your possession?

15 A Yes, sir.

16 Q All right. So I'm going to show you
17 Exhibit Number 1, and we're just going to run
18 through these real quick. I mean Exhibit Number 2.
19 Sorry.

20 - - -

21 (Description marked
22 PARTYEXB Exhibit
23 Number for identification.)

24 - - -

25 BY MR. BLAND:

CHAD WESTENDORF - ROUGH DRAFT

1 Q Here are the -- this is 2. This is the
2 initial documents that were filed by Tony
3 Satterfield (handing).

4 Did you ever get a copy of these? This is
5 when he became PR and he filed the initial inventory
6 of Gloria Satterfield. Brian renounced -- he would
7 renounce his right to be a PR. And this is Tony's
8 initial documents dated March 28th.

9 Did you ever see these before you became a
10 PR?

11 A No, sir.

12 Q Did you educate yourself on what the
13 inventory of the estate is? Do you know that
14 expression that I'm saying?

15 A Now I do.

16 Q Okay.

17 A But no, I did not, to answer your
18 question.

19 Q That neither Alec nor -- do you prefer
20 that I call him Alec? I call him Alex. It confuses
21 me.

22 A Whatever.

23 Q That neither Alex nor Cory said, hey, you
24 need to understand --

25 A No, I did not.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Do you know how much was the initial
2 inventory in the estate?

3 A Now I do.

4 Q About \$26,000?

5 A Yes, sir.

6 Q And when you filed your inventory, you
7 said it was \$26,000, too. Is that correct?

8 A Yes.

9 MR. LYDON: Object to the form.

10 BY MR. BLAND:

11 Q Your exit inventory. Is that correct?

12 MR. LYDON: Accounting. For the record,
13 it was his accounting.

14 MR. BLAND: Accounting. Sorry. Thanks.

15 He's better at it than me.

16 BY MR. BLAND:

17 Q When you filed your accounting, you filed
18 it as the same amount as the initial inventory; is
19 that correct?

20 A That is correct.

21 Q And you never advised the court, the
22 probate court, about any of the settlements, the
23 505,000 one and the 3.8 million? You never advised
24 the probate court about those, did you?

25 A No, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q And you were aware that \$50,000 of the
2 overall settlement amount of 4.3 million --
3 4,305,000, 50,000 was allocated to the survival
4 claim. Are you aware of that?

5 A Yes, sir.

6 Q Do you know the difference between
7 wrongful death and survival?

8 A No, sir.

9 Q Okay. Did anybody tell you that the
10 survival claim, the survival money, the \$50,000, had
11 to be paid to the probate court?

12 A No, sir.

13 Q Did you have an understanding that it was
14 your job to get money or assets to advise the
15 probate court if the probate court had to be the
16 recipient of those assets? Did you realize that?

17 A I would have thought so, yes.

18 Q Okay. Tell me why you never even
19 marshaled the \$50,000 and paid that into the probate
20 court.

21 A I asked Cory what I needed to do, and he
22 said he would handle it -- I know I'm saying that --
23 and he was going to pay some medical bills. This
24 was at our first meeting.

25 Q But I'm talking about after the

CHAD WESTENDORF - ROUGH DRAFT

1 settlements came in, you know, after the first
2 settlement conference on December 19th.

3 A He said he was going to handle it.

4 Q Okay. So is it fair to say that your
5 answer or defense for what you did or didn't do was
6 based on the reliance of your counsel?

7 A Yes, sir.

8 Q So it was Cory Fleming who told you what
9 to do and not to do, or you expected that Cory
10 Fleming would tell you what to do or not to do?

11 A I was expecting that, yes, sir.

12 Q Okay. So who prepared the probate
13 documents for you to accept to become PR? Did
14 Alex's firm do that?

15 A I would assume so.

16 Q Not Cory?

17 A No, sir.

18 Q Okay. Did you deal with any of Alex's
19 paralegals --

20 A No, sir.

21 Q How did you get the document to sign your
22 name and do that? Did Alex give it to you?

23 A He brought it to me.

24 MR. BLAND: Okay. The next document I'm
25 going to show you is Exhibit Number 3

CHAD WESTENDORF - ROUGH DRAFT

1 (handing) .

2 - - -

3 (Description marked

4 PARTYEXB Exhibit

5 Number for identification.)

6 - - -

7 BY MR. BLAND:

8 Q This is a letter dated 5/24/2018. So it's
9 a couple months into when Tony's PR, before you
10 became a PR that year. This is the Murdaugh firm
11 actually writing a letter to Trident Anesthesia
12 Group saying that they represent Michael Satterfield
13 as the PR for the Estate of Gloria Satterfield.

14 Do you see that?

15 A Where is that?

16 Q The first line (indicating).

17 A Oh, okay.

18 Q Did you ever see this letter before?

19 A No, sir.

20 Q Did Cory Fleming ever tell you that not
21 only he but the Murdaugh law firm and Alex Murdaugh
22 were also representing the Estate of Gloria
23 Satterfield?

24 A No, sir.

25 Q Were you ever made aware by Alex that he

CHAD WESTENDORF - ROUGH DRAFT

1 had sent out letters saying that his law firm had
2 represented Gloria Satterfield in the estate?

3 A No, sir.

4 Q Okay. Now, you were taking -- or you were
5 having discussions before you became PR and after
6 you became PR with Alex Murdaugh about the -- these
7 claims, right?

8 MR. LYDON: Object to the form.

9 You can answer.

10 BY MR. BLAND:

11 Q Did you have discussions with Alex,
12 obviously, before --

13 A Not about the claims, no.

14 Q But you had discussions with Alex about
15 becoming PR?

16 A Correct.

17 Q Okay. Did that strike you as curious that
18 the target defendant was having discussions with you
19 instead of the plaintiff?

20 A Not really.

21 Q All right. Why didn't that -- why didn't
22 you find that strange? Did you think that everybody
23 had a unity of interest?

24 A No, but I thought he was helping the kids
25 out. That's what he claimed to be doing; he was

CHAD WESTENDORF - ROUGH DRAFT

1 helping the boys.

2 Q Doing what? How did he help them?

3 A Giving him funds, money.

4 Q To do what?

5 A Because they lost their mother.

6 Q And was it also to pay medical bills, too?

7 A He didn't say that.

8 Q Okay. Have you ever been involved in a
9 lawsuit before?

10 A No, sir.

11 Q Anybody you know that has been in a
12 lawsuit that you know of?

13 A No, sir.

14 Q The concept of a defendant, do you know
15 the difference between a plaintiff and --

16 A Yes, sir.

17 Q The concept of a defendant helping out the
18 plaintiffs is not a usual concept that we see as
19 lawyers. You would agree with that?

20 A I would agree, yes, sir.

21 Q So in this particular case, there seemed
22 to be cooperation between Cory and Alex in what was
23 being done to facilitate the claim in connection
24 with Gloria's death. Is that a fair statement?

25 A Yes.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Okay. So you never saw this letter?

2 A No, sir.

3 MR. BLAND: Okay. The next document is
4 Exhibit Number 4 (handing).

5 - - -

6 (Description marked
7 PARTYEXB Exhibit
8 Number for identification.)

9 - - -

10 BY MR. BLAND:

11 Q And this would indicate that Alex's
12 paralegals are -- do you know who agriswold is?

13 A No, sir.

14 Q At Alex's firm?

15 A No, sir.

16 Q Do you know who Tanya King is?

17 A No, sir.

18 Q Do you know whether Tanya King is the
19 paralegal to Cory Fleming? If you look under --

20 A Yes. I'm reading that, yes.

21 Q Okay. So would you see here that they're
22 communicating with each other to get signatures of
23 Tony Satterfield as the PR?

24 A Yes.

25 Q Okay. But you had not seen that document?

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir.

2 MR. BLAND: Okay. The next document is
3 Exhibit Number 5 (handing).

4 - - -

5 (Description marked
6 PARTYEXB Exhibit
7 Number for identification.)

8 - - -

9 BY MR. BLAND:

10 Q Did you know that Tony, prior to becoming
11 PR, was seeking advice from Alex about bills that
12 came in about the insurance policy from Vanderbilt,
13 and then Trident Hospital? Do you know Trident's
14 relationship to this whole matter?

15 A Now I do, yeah.

16 Q You didn't know then?

17 A I did not.

18 Q Did you ever find out who Gloria was when
19 you became her PR? Did you know that she was the
20 housekeeper?

21 A Yes.

22 Q Did you know that she had died?

23 A Yes.

24 Q Did you know she had died at the Moselle
25 property?

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes.

2 Q Who told you all that?

3 A Alec.

4 Q Alec did. What did he tell you about her
5 death?

6 A That she had a fall with his dog.

7 Q His dog -- dog or dogs?

8 A Dog.

9 Q Okay. And that she --

10 A Hit her head and spent some time in the
11 hospital, and then she --

12 Q Passed away --

13 A -- passed away from the injuries.

14 Q Okay. So you were unaware, when you
15 accepted the PR, that Tony was seeking legal advice
16 all throughout 2018 from not only Cory Fleming but
17 Alec, as well?

18 A I had no idea.

19 MR. BLAND: Next is Exhibit 6 (handing).

20 - - -

21 (Description marked
22 PARTYEXB Exhibit
23 Number for identification.)

24 - - -

25 BY MR. BLAND:

CHAD WESTENDORF - ROUGH DRAFT

1 Q Do you remember the date that you were
2 approached by Alec to become PR?

3 A I want to say it was November the 21st. I
4 know it was the Wednesday before Thanksgiving --

5 Q Okay.

6 A -- because I was in the mountains with my
7 family, and he called me.

8 Q He called you on the phone?

9 A Yes, sir.

10 Q And he had your number?

11 A Yes, sir.

12 Q Did he have your number because you guys
13 were friends or because you were a banker?

14 A I would say it would be more friends
15 because I didn't bank him.

16 Q So how did you know him?

17 A Grew up around him and just been in the
18 town.

19 Q Would you call him a friend?

20 A Yeah.

21 Q Did you socialize with him?

22 A No.

23 Q Okay.

24 A I mean --

25 Q And does your wife have any relationship

CHAD WESTENDORF - ROUGH DRAFT

1 to him at all?

2 A No.

3 Q Okay. So this is a letter that Cory
4 Fleming wrote demanding the \$500,000. And he put a
5 deadline that they had until 5:00 p.m. on
6 November 12th to respond.

7 Were you aware that there was a demand,
8 when you were asked to become a PR, that the
9 insurance proceeds be paid of \$505,000?

10 A No, sir.

11 Q Okay. Do you know who Scott Wallinger is?

12 A No, sir.

13 Q He was the attorney for Lloyd's. Do you
14 know who Lloyd's was?

15 A Insurance company.

16 Q Were they the primary or the excess? Do
17 you remember?

18 A They were the first one.

19 Q Right; which is rare. Usually when you
20 think of Lloyd's, you think that they are the
21 excess. But this one -- who was the excess in this
22 case? Do you remember?

23 A I believe Nautilus.

24 Q Nautilus. And Nautilus was represented by
25 a guy named John Grantland. Did you ever meet him?

CHAD WESTENDORF - ROUGH DRAFT

1 A Over the phone.

2 Q Over the phone?

3 A Yes, sir.

4 Q What was that for?

5 A Mediation.

6 Q So it was, like, COVID times or whatever?

7 A No, sir. I just was unable to make it due
8 to bank stuff. There was several out at the bank.

9 Q I was told that neither Wallinger nor
10 Grantland came to either hearing in front of Judge
11 Mullen. Is that true?

12 A That's true. That I was at --

13 Q Right.

14 A -- let me say that.

15 Q So the two settlement hearings that you
16 attended on December 19th, 2018, and then May 13th,
17 2019, it was just you, Cory, and Alex, and then
18 Judge Mullen?

19 A And her clerk was at the first one. And
20 then the second was just Judge Mullen, myself, and
21 Cory Fleming.

22 Q So the only difference was there was a
23 clerk at the first one?

24 A And Alec. Alec wasn't at the second one.

25 Q Alec wasn't?

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir.

2 Q So at the second one, who was there?

3 A Cory Fleming, me, and Judge Mullen.

4 Q All right. I want to show you Exhibit
5 Number 7 (handing).

6 - - -

7 (Description marked
8 PARTYEXB Exhibit
9 Number for identification.)

10 - - -

11 BY MR. BLAND:

12 Q This is the creditor's claim that was
13 filed by a law firm for one of the medical
14 providers. And this was the hospital, and it was
15 more \$655,539.60.

16 Do you -- do you ever recall seeing a copy
17 of this creditor's claim in the probate court file?

18 A Not early on. After the fact.

19 Q Okay. When you became PR, did you get
20 a -- did you go to the probate court and say, "Hey,
21 I want to see a copy of all the files"?

22 A No, sir.

23 Q Do you know whether that's your duty to
24 actually review?

25 A I do not.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Do you know today whether you would have a
2 duty to review the probate --

3 A Yes, sir.

4 Q And you did not do that; is that right?

5 A I did not go the probate court, no, sir.

6 Q Do you realize that as PR for the estate,
7 if there's creditors that have filed claims against
8 the estate, you have an obligation to deal with
9 those creditors on behalf of the estate?

10 A Yes, sir.

11 Q And so a creditor filed a claim for
12 \$655,000. And then throughout the course of your
13 becoming a PR, you learned that \$50,000 would go to
14 the survival of Gloria for her death, right? And
15 then the rest went for wrongful death. Do you know
16 the difference?

17 A I do now.

18 Q You didn't know the difference --

19 A I did not.

20 Q Did Cory ever explain that to you, what
21 the difference was?

22 A No, sir.

23 Q That the wrongful death travels outside of
24 the estate, and survival has to be an estate asset,
25 the survival moneys. Do you know that now?

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes, sir.

2 Q Do you know how it was determined that
3 \$50,000 would only be allocated for survival?

4 A I don't.

5 Q Gloria lived three weeks, right?

6 A Okay.

7 Q She died February 26th, after the fall.

8 A Right.

9 Q So -- and \$4.3 million was recovered.

10 Which did you ever educate yourself on whether that
11 was a good settlement or not a good settlement?

12 A No, sir.

13 Q Do you realize that you actually had to
14 approve that settlement?

15 A Yes, sir.

16 Q So when somebody came to you and said,
17 "Look, we've settled for \$505,000," did you say,
18 "Why are we settling for that amount?" Or "What's
19 the status? Is there any more insurance money?"
20 Did you ask those kind of questions?

21 A It was told in the meeting with Judge
22 Mullen on the 19th that there was -- there was
23 another claim out and we might have some mediation
24 on that.

25 Q Okay.

CHAD WESTENDORF - ROUGH DRAFT

1 A So the first one was for 500 that we were
2 in, and then --

3 Q And so when you go to the mediation and it
4 settles for 3.8 million at the mediation --

5 A Yes, sir.

6 Q -- did you -- what did you do to satisfy
7 yourself that that was a good settlement or whether
8 you should have gotten more on behalf of the estate?

9 A I thought it was a good settlement. But
10 no, I did not educate myself.

11 Cory called me a couple days after
12 mediation and said that they're willing to settle
13 for the 3.8; are you -- is that good with you?

14 Q You realize you're the client?

15 A Sir?

16 Q You realize you were the client?

17 A I did not.

18 Q Did you -- you never realized that you
19 were Cory's client?

20 A I thought we were working together.

21 Q Okay. But that Cory owed duties to you as
22 an attorney. Did Cory ever sign a fee agreement
23 with you --

24 A No, sir.

25 Q -- explaining what he would do for you?

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir.

2 Q But you realize that it's your duty, once
3 you accept to become PR, is to prosecute a claim on
4 behalf of the estate, and that was a claim against
5 Alex. That's your duty. You realize that?

6 You have to say yes or no.

7 A Yes.

8 Q Okay. And whether Alec was your friend,
9 you accepted to become PR where he was the, quote,
10 target defendant, right?

11 A Yes, sir.

12 Q And it would require you, am I correct, to
13 put aside your friendship and do what was in the
14 best interest of the estate which you represented.
15 That would be your single-minded focus, right?

16 A Yes, sir.

17 Q Couldn't do what was best for Cory, right?

18 A Yes.

19 Q Couldn't do what's best for Chad?

20 A Correct.

21 Q Couldn't do what's best for Alec. It had
22 to be for the estate and the estate only.

23 A Yes, sir.

24 Q So you got paid \$10,000 on the first
25 settlement --

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes.

2 Q -- as the PR fee. And then you got paid
3 \$20,000 on the second settlement. How was that
4 determined?

5 A I have no idea.

6 Q Did you negotiate that with Cory and Alec?

7 A No, sir.

8 Q Did -- did they call you on the phone and
9 say, "What would you want?"

10 A No, sir.

11 Q Did you understand what it was for?

12 A Yes, sir.

13 Q What was it for?

14 A I was told it was for the PR fee.

15 Q Okay. What did you do for that fee?

16 A Went to meetings with the judge and --

17 Q Two hearings.

18 A -- and then was on a mediation call.

19 Q That would be it?

20 A That would be it.

21 Q Okay. Do you realize, as the PR, you had
22 a duty to account for moneys?

23 A I do now.

24 Q Okay. Do you realize that, like, when
25 Cory would take legal fees and costs in connection

CHAD WESTENDORF - ROUGH DRAFT

1 with these settlements, it was your job to verify
2 that?

3 A I did not.

4 MR. LYDON: Object to the form.

5 BY MR. BLAND:

6 Q Did you ever verify reimbursements or
7 costs that he was claiming for this claim?

8 A No, sir.

9 Q Did you ever verify his entitlement to a
10 legal fee?

11 A No, sir.

12 Q Were you ever made aware that contingency
13 fee agreements in South Carolina have to be signed
14 by the lawyer and the client?

15 A I didn't know that.

16 Q Do you know what a contingency fee
17 agreement is?

18 A No, sir.

19 Q Okay. Tommy works by the hour. I'm a
20 contingent lawyer. So you pay him or somebody's
21 paying him by the hour to work. He gets an hourly
22 rate. Me, I work based on if I recover something, I
23 get a percentage.

24 A Okay.

25 Q And that percentage can be 33 and a third

CHAD WESTENDORF - ROUGH DRAFT

1 percent. It's kind of the market rate. Sometimes
2 it's 40 percent. But our Rules of Professional
3 Conduct say that if I'm going to collect a
4 contingency fee, a piece of the outcome, I'm willing
5 to give my time; but at the end, if there's a
6 recovery by settlement or verdict, and I'm getting a
7 percentage of that, there has to be a signed
8 writing.

9 So you recognize that you were the client,
10 right, of Cory?

11 A Now I do.

12 Q What gave him the right to collect the
13 legal fee if you didn't ever see a fee agreement
14 with him?

15 MR. LYDON: Object to the form.

16 If you can answer.

17 THE WITNESS: I don't know.

18 BY MR. BLAND:

19 Q Okay. Would you agree with me that you
20 were responsible for making sure that the estate got
21 the money that the court ordered?

22 A Yes.

23 Q Okay. And so if the court ordered my
24 clients to get \$2.765 million, and they didn't get
25 any of that, whose responsibility was that?

CHAD WESTENDORF - ROUGH DRAFT

1 A I had no opportunity to give them that
2 money. I never received the funds.

3 Q But the checks were made payable to you
4 that I'm going to show you.

5 A And to Moss and Kuhn. And it went into
6 their account. I didn't have any opportunity to get
7 it. It had to come out of their trust. That's how
8 I was viewing it.

9 Q Okay. But do you realize you actually had
10 the right to get those checks as the PR?

11 A No, I did not.

12 Q You realize you signed documents regarding
13 the disbursement of those checks?

14 A Yes, sir.

15 Q So when you signed a document, wasn't it
16 incumbent upon you to make sure the checks were
17 disbursed properly?

18 A Yes.

19 Q Okay. And if somebody's charging \$11,500
20 of expenses on the first \$505,000 settlement, wasn't
21 it incumbent upon you to ask what were those
22 expenses for?

23 MR. LYDON: Object to the form.

24 But you can answer.

25 THE WITNESS: I guess. I don't know.

CHAD WESTENDORF - ROUGH DRAFT

1 BY MR. BLAND:

2 Q I'm not trying to trick you.

3 A I mean, I don't. I don't know what those
4 were and I didn't ask. I trusted Cory was doing
5 what was right.

6 Q When you see something that says 11,500 --

7 A Yes.

8 Q And I'm going to show you the second
9 disbursement sheet shows 105,000 even, didn't your
10 antenna go up and say, how do those expenses come
11 out on the perfect zero, not, you know, 105,000.37?

12 A I wasn't aware. I mean, it's not
13 something I ever looked at before and I had no
14 previous experience with it.

15 Q But you got common sense.

16 A Yes.

17 Q Okay. And common sense would tell you
18 this claim was not in litigation, right?

19 A Yes.

20 Q You never were asked to attend
21 depositions?

22 A No, sir.

23 Q Okay. And the only thing that took place
24 were a couple demand letters and then a mediation.
25 Obviously, you had to paid the mediator. That was

CHAD WESTENDORF - ROUGH DRAFT

1 John Austin in Charleston, right?

2 A Yes, sir.

3 Q So if you have a mediator cost, and you
4 have a couple stamps, and maybe a filing fee for the
5 probate court for you to become PR, did you ever ask
6 yourself: What could comprise \$10,500, and then
7 another \$105,000 of expenses? How is it --

8 A No.

9 Q -- that a lawyer or a law firm put that
10 down in front of a judge and said to the court, "We
11 have \$105,000 of expenses in a settlement where
12 there was no litigation"? No deposition
13 transcripts. You know, Cindy does this today. This
14 will cost \$800,000. None of that. No expert
15 witnesses, nothing.

16 Today can you tell me what that expense
17 is?

18 A I cannot.

19 Q You permitted that money to be taken from
20 your client, the estate. You signed the document.
21 And we'll show you where you admitted that those
22 were proper expenses and that money came from my
23 clients' recovery for their mother's death. And
24 nobody ever explained that to you, what those
25 expenses were?

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir.

2 Q And it never, like, dawned on you to say,
3 how is that possible, that amount of money for
4 expenses?

5 A No, sir.

6 Q Do you remember, at the settlement
7 conferences with Judge Mullen, somebody would have
8 to make a representation as to what the
9 disbursements would be. Who did that?

10 A Cory.

11 Q And the December 19th hearing -- and we'll
12 go into detail -- he would have said, "I have
13 \$10,500 of expenses"?

14 A I don't remember.

15 Q Do you remember if May 13th he would have
16 said, "Judge Mullen, I have \$105,000 of expenses"?

17 A I don't remember if he said that exactly.
18 No.

19 Q Do you remember Judge Mullen saying, "How
20 is that possible? How are these numbers possible?"

21 A No, sir.

22 Q Do you remember Judge Mullen saying,
23 "Where is your fee agreement, Mr. Fleming? How are
24 you entitled to 33 and a third percent?"

25 A No.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Did she ever say to you, "Mr. Fleming, how
2 are you entitled to \$30,000 as a PR fee when the
3 statute says your money comes from a percentage of
4 the survival settlement?"

5 A Never was mentioned.

6 Q So the survival settlement was \$50,000.
7 5 percent of that is \$2,500.

8 Did you ever ask Cory Fleming, "How is it
9 that I'm getting \$30,000 when the statute says I'm
10 only supposed to get \$2,500?"

11 A No, sir.

12 Q Did Judge Mullen ever ask, "How is it that
13 you're getting 30,000? Do you have a fee agreement,
14 Mr. Westendorf?"

15 Did she ever ask that?

16 A No, sir.

17 MR. BLAND: Okay. All right. I am not
18 going to use Exhibit Number 7 -- or Number 8.
19 Actually, I'll renumber. Strike that.

20 Number 8.

21 - - -

22 (Description marked
23 PARTYEXB Exhibit
24 Number for identification.)

25 - - -

CHAD WESTENDORF - ROUGH DRAFT

1 BY MR. BLAND:

2 Q This is a letter from Cory Fleming to his
3 paralegal on November 28th. And it says: I need
4 the I-9 for this, and the check is to Chad
5 Westendorf as personal representative of the Estate
6 of Gloria Satterfield.

7 So on November 28th, an I-9 is being
8 given -- it's actually a W9, it's supposed to be,
9 not an I-9. But they're cutting a check for you as
10 personal representative, and you were not even the
11 PR yet.

12 A No.

13 Q Did you have any idea this was going on --

14 A No, sir.

15 Q -- at the time?

16 A First time I've ever seen that.

17 Q So you said, before Thanksgiving, which
18 would have been November 26th, Alec had asked you
19 and you said yes.

20 A It was actually around the 21st.

21 Q 21st. Sorry. But it was before
22 Thanksgiving.

23 A Yes. He had contacted me that Wednesday,
24 but that's the first I've seen of this.

25 Q And you went to Russ, and Russ said,

CHAD WESTENDORF - ROUGH DRAFT

1 "Sure, you can do it." Right?

2 A Russell and Mr. Laffitte, yes.

3 Q And then you went back and told Alec, "We
4 can do it -- I can do it"?

5 A Yes.

6 MR. BLAND: The next one is exhibit number
7 9 (handing).

8 - - -

9 (Description marked
10 PARTYEXB Exhibit
11 Number for identification.)

12 - - -

13 BY MR. BLAND:

14 Q And this is from Tanya King to, I guess,
15 the lawyer at the law firm that was paying the
16 505,000. It says: Attached is our firm's W9, and
17 the payee instructions are as follows. Chad
18 Westendorf as PR and Moss Kuhn & Fleming.

19 Do you see that? But on November 30th,
20 did you know this had been sent?

21 A No, sir.

22 Q Okay.

23 A And I don't believe I agreed by then.

24 Q Huh?

25 A I don't think I had agreed to be the PR by

CHAD WESTENDORF - ROUGH DRAFT

1 then.

2 Q By November 30th?

3 A I don't think so.

4 MR. BLAND: Okay. Next is Exhibit Number
5 10 (handing).

6 - - -

7 (Description marked
8 PARTYEXB Exhibit
9 Number for identification.)

10 - - -

11 BY MR. BLAND:

12 Q This is December 6th, and this is a letter
13 to Cory from Scott Wallinger saying: "Enclosed is a
14 check made payable for 505,000, made payable to Chad
15 Westendorf as PR of Gloria Satterfield and Moss,
16 Kuhn & Fleming."

17 Do you see that?

18 A Yes, sir.

19 Q Were you aware that on December 6th, the
20 actual settlement check had been paid?

21 A No, sir.

22 Q When did you become aware that there was a
23 settlement check?

24 A The 19th.

25 Q At the 19th.

CHAD WESTENDORF - ROUGH DRAFT

1 A December 19th. Excuse me.

2 Q Okay. So on December 19th, when you
3 became aware, did you think that I need to call my
4 clients and tell them, hey, guys, there was a
5 settlement for \$505,000?

6 A I thought Cory was in touch with them.

7 Q But who --

8 A I mean --

9 Q Who were your clients?

10 A My clients were the boys, now that I
11 understand that.

12 Q Well, did you -- when you say, "I thought
13 that Cory was in touch with them," what made you
14 think that Cory was in touch with them?

15 A Because I was told at that first meeting
16 that Cory was the attorney for the estate, and I
17 thought --

18 Q But nobody told you -- like, Cory didn't
19 tell you, "Hey, I'm going to keep the boys abreast"?

20 A No, sir.

21 Q And you certainly didn't see a letter from
22 Cory to the boys saying, hey, by the way, I just
23 settled Chad -- Chad and I settled the initial claim
24 for \$505,000.

25 You never saw that?

CHAD WESTENDORF - ROUGH DRAFT

1 A I never saw that, no.

2 Q Do you realize that the boys are real,
3 live people?

4 A Sure.

5 Q And that they have a right to know, if
6 money's recovered in connection with their mother's
7 death, what that amount was, right?

8 A Certainly.

9 Q And that duty would either be -- would
10 come to you. You understand that?

11 A I understand that.

12 Q Because your lawyer is going to tell you
13 that Cory Fleming is going to say, "My client was
14 Chad. My client wasn't the estate."

15 Now, we disagree with that and we think
16 the law has a foreseeability angle to it that, you
17 know, you've got to look past the PR downstream to
18 the estate.

19 But Cory's going to say, you know, "I
20 represented Chad. And it's Chad's obligation, as
21 the PR, to keep his estate informed."

22 So you were unaware that the boys were
23 unaware?

24 A Yes, sir.

25 Q Okay.

CHAD WESTENDORF - ROUGH DRAFT

1 MR. BLAND: That's a funny thing to say,
2 isn't it?

3 All right. Let's do the next exhibit as
4 what, Scott?

5 MR. MONGILLO: 11.

6 MR. BLAND: Exhibit Number 11.

7 - - -

8 (Description marked
9 PARTYEXB Exhibit
10 Number for identification.)

11 - - -

12 BY MR. BLAND:

13 Q This is the actual check for the first
14 settlement (handing), and it's dated 12/4/2018. And
15 it's made payable to Chad Westendorf, PR, of the
16 estate of Gloria Satterfield and Moss
17 Kuhn & Fleming. And you executed this as Chad
18 Westendorf, as PR of the Estate of Gloria
19 Satterfield.

20 Do you remember when you would have
21 executed this check?

22 A The 19th.

23 Q The 19th. Okay.

24 A That's what I remember.

25 Q And you did this in chambers? Did you

CHAD WESTENDORF - ROUGH DRAFT

1 execute it there?

2 A Yes.

3 Q Or did you execute it before being in
4 chambers?

5 A We were in the room, in the courthouse. I
6 don't remember if Judge Mullen was in yet when I
7 signed this document, but yeah, that's where it was
8 because that's the only time I met with Cory.

9 Q Have you ever been in court before where
10 there was a stenographer, like Cindy --

11 A No, sir.

12 Q -- taking down? But there was no
13 stenographer when you were there on the 19th; is
14 that correct?

15 A No, sir.

16 MR. LYDON: I would just -- you asked it
17 in the negative, and he answered it in the
18 negative, just for the record.

19 BY MR. BLAND:

20 Q There was a court reporter?

21 A There was no court reporter present.

22 Q Right. There was no court reporter
23 present.

24 And that didn't strike you as unusual?

25 A I had no clue.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Right --

2 A I had never been in the situation.

3 Q Based on lack of experience?

4 A Yes, sir.

5 Q And that settlement conference was
6 attended by Alec, by Cory --

7 A Myself.

8 Q -- and her --

9 A And Judge Mullen.

10 Q And a law clerk?

11 A I guess there was a clerk. She was a
12 young lady with the judge.

13 Q And that conference happened before
14 Mallory Beach's untimely death in February of 2019.
15 Are you aware of that timeline?

16 A Yes.

17 Q Okay. So who -- who presented the
18 settlement to Judge Mullen?

19 A Cory.

20 Q Did Alec speak?

21 A Yes.

22 Q What did Alec say?

23 A He gave background about the fall --

24 Q Okay.

25 A -- and the situation. And that's when he

CHAD WESTENDORF - ROUGH DRAFT

1 talked about the boys, or wanted to help take care
2 of them.

3 Q And do you remember asking yourself or
4 wondering why Alec didn't have his attorneys there
5 with him?

6 A No.

7 Q Did you know at the time that he had two
8 attorneys, Scott Wallinger and John Grantland?

9 A No, sir.

10 Q So it wouldn't have struck you funny that
11 defense lawyers who, you know, represent Alex and
12 these insurance companies are paying checks aren't
13 at a settlement conference?

14 A I wouldn't have known.

15 Q How long did it last?

16 A I would say, if I had to guess, we were
17 there 30 minutes, 45 minutes tops, maybe.

18 Q Okay.

19 A If I remember right.

20 MR. BLAND: And so I'm going to show you
21 Exhibit Number 12 right now (handing).

22 - - -

23	(Description	marked
24	PARTYEXB	Exhibit
25	Number	for identification.)

CHAD WESTENDORF - ROUGH DRAFT

1 - - -

2 BY MR. BLAND:

3 Q So tell me everything that happened there.
4 I mean, did Judge Mullen say, "I think this is a
5 good settlement"?

6 You know, did Cory say, "This is just the
7 first part of it. We're going to make claims
8 against an excess carrier"?

9 Tell me what was said.

10 A I believe there was a statement in there
11 that there was being an excess carrier, to go by
12 your words, and that we were going to file that; and
13 that this was the first suit; and that he was going
14 to pay some medical out of there; and --

15 Q Who was going to --

16 A Cory was going to pay some of the medical.

17 Q Do you remember him saying what the
18 medical bills were?

19 A No, sir, I do not.

20 Q Okay. Did you -- did Alex say, "Hey, it
21 was my responsibility for her death"?

22 A I can't recall.

23 Q Did he say, "Look, you know, it was my
24 dogs. They got out of hand; they got unruly and
25 caused her to fall. And I feel like I'm

CHAD WESTENDORF - ROUGH DRAFT

1 responsible"?

2 A He went into that, that she was on the
3 stairs; the dogs were jumping up and caused her to
4 fall.

5 Q Did Judge Mullen ask you, "Do you think
6 this is a fair settlement?"

7 A She did not.

8 Q Did she ask you, "Are you satisfied with
9 the services of your attorney?"

10 A I don't believe so.

11 Q Meaning Cory Fleming.

12 A I don't believe -- I don't remember much
13 conversation between Judge Mullen and myself.

14 Q She didn't ask you, "Do you think this is
15 in the best interest of the estate to agree to this
16 settlement?"

17 A I don't recall that.

18 Q Okay. Did she say to you, or somebody,
19 "Look, I need an order. We'll get this order signed
20 and get it filed."

21 Do you remember any of that kind of
22 conversation?

23 A No.

24 Q Do you remember anything, you know -- I'm
25 told that it took almost 30 or 45 minutes, the

CHAD WESTENDORF - ROUGH DRAFT

1 settlement conference.

2 A Right.

3 Q Do you remember any other conversations
4 about the settlement?

5 A No.

6 Q Do you remember --

7 A That was -- there was some personal talk,
8 like, right when she came in. I mean, you could
9 tell that they were acquaintances, and asked how
10 everybody was doing, but other than that...

11 Q At that settlement conference, were there
12 any discussions about a structured settlement?

13 A I had heard "Forge" for the first time
14 that day.

15 Q On December 19th --

16 A Yes.

17 Q -- you heard the word "Forge"?

18 A Yes, because they said they were sending
19 the money for the boys to Forge.

20 Q Who said that?

21 A Cory.

22 Q And did you ask, "What is Forge?"

23 A I did.

24 Q And what did they say?

25 A It was an annuity investor or a structured

CHAD WESTENDORF - ROUGH DRAFT

1 settlement, what I found out later. But basically
2 what I understood that day was it was an annuity
3 financial company.

4 Q Right.

5 A I had never heard of it before that. I
6 didn't know what that was.

7 Q Okay. And one of the things I'm curious
8 about is: Did Judge Mullen approve that there was
9 going to be a structure to Forge?

10 A Not that I'm aware of.

11 Q But there was discussion in front of
12 her --

13 A Yes.

14 Q -- that there was going to be a structure?

15 A I guess. I mean, yeah, I was sitting
16 there in her chambers and we discussed. That was
17 the first time I heard "Forge."

18 Q What was the structure supposed to be?

19 A I have no idea.

20 Q What was the structure supposed to be for
21 Tony?

22 A I don't know.

23 Q What was the structure supposed to be for
24 Brian?

25 A I don't know.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Well, you saw checks going to Forge.

2 A I did not.

3 Q At various times, did you not --

4 A I did not see those.

5 Q You never saw any checks going to Forge?

6 A I never saw a check going to Forge.

7 Q But if a structure was being -- we're told
8 that you were brought on because Alec told Tony that
9 there were going to be business issues with some
10 settlements coming in, and it would be better for
11 somebody like you, Mr. Westendorf, who has a
12 business background, to handle that.

13 Is that something that you remember
14 hearing?

15 A No, sir.

16 Q Did you ever ask why I'm coming onboard
17 and why Tony is going out?

18 A I did not.

19 Q Okay. So when you heard "Forge," did you
20 not say to yourself, hey, what structure is going --
21 there's two boys here. Is there a structure for one
22 and not the other, or both? Did you ever ask that?

23 A I did not.

24 Q Did anybody ever tell you, on
25 December 18th, that one of your heirs, that was an

CHAD WESTENDORF - ROUGH DRAFT

1 heir of the estate, was a vulnerable adult?

2 A On the 19th, they did.

3 Q Who told you?

4 A Alec mentioned that.

5 Q To whom? Judge Mullen?

6 A The conversation in there that day.

7 Q What did he say?

8 A He said that -- like you said, he was a --
9 I don't know. I can't remember exact words, so I
10 don't want to say, but he made it aware that he had
11 special needs.

12 Q Special needs.

13 A Yeah.

14 Q Was there ever talk that he should have a
15 conservator?

16 A No, sir.

17 Q Do you know whether Tony's needs are
18 different than Brian's needs? Brian, by the way, is
19 the special-needs kid.

20 A Yes, sir.

21 Q Did you ever, you know, inquire as to what
22 are Tony's needs as opposed to Brian's needs?

23 A I did not.

24 Q Did you ever ask, "Why is there a
25 structure?"

CHAD WESTENDORF - ROUGH DRAFT

1 Number for identification.)

2 - - -

3 BY MR. BLAND:

4 Q So this is you on the 18th -- or -- excuse
5 me.

6 This is -- Chad, the dates are actually
7 wrong at the front, if you look at it.

8 A Yeah.

9 Q It's not March 28th. They used the same
10 date for Tony when he became the PR. But there are
11 correct dates at the bottom where Sheila Odom
12 signed.

13 So you became the PR on December 18th. Is
14 that correct?

15 A That is correct.

16 Q And that's when you assumed your duties?

17 A Yes, sir.

18 Q And you put on here that you were vice
19 president of the bank, and you gave your banking
20 address as opposed to your home address, if you look
21 in the back.

22 A Where is that?

23 Q On page 3, on the back. You gave your
24 banking address as being the address you wanted mail
25 from the court.

CHAD WESTENDORF - ROUGH DRAFT

1 So did the probate court ever send you
2 mail?

3 A No, sir.

4 Q So you never got any mail there at all?

5 A No, no. And I did type that, just to let
6 you know.

7 Q And if you look, Kristi Jarrell was a
8 notary for some of that. Did you ever find out who
9 Kristi Jarrell was?

10 A I assume she was the paralegal for Alec or
11 worked for Alec, the secretary.

12 Q That's fine. And so that next day, after
13 you become PR --

14 MR. BLAND: The next exhibit is 13
15 (handing).

16 - - -

17	(Description	marked
18	PARTYEXB	Exhibit
19	Number	for identification.)

20 - - -

21 BY MR. BLAND:

22 Q -- a petition is filed to approve a
23 wrongful death settlement. And you sign the
24 petition as PR for the Estate of Gloria Satterfield.

25 A Yes, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Who's Margaret Grill, the notary?

2 A She works at the courthouse.

3 Q She works at the courthouse.

4 A Or used to.

5 Q And you were seeking approval on behalf of
6 whom?

7 A Tony and Brian.

8 Q For 505,000, right?

9 A Correct.

10 Q And the caption was now you suing on
11 behalf of the estate as PR versus Alex Murdaugh.

12 A Correct.

13 Q And that's the first time we've ever seen
14 a caption in this case.

15 You understand when I use the word
16 "caption," meaning a court caption?

17 A No. No, I didn't know that.

18 Q And so going forward, the caption in the
19 courthouse -- because this was filed on
20 December 19th. You see right there (indicating)?

21 A Yeah.

22 Q That's the caption. And the court term is
23 now 2012-CP-25-00298. Do you see that?

24 A Yes, sir.

25 Q So that's the Court of Common Pleas

CHAD WESTENDORF - ROUGH DRAFT

1 caption. And that's the case number that it's going
2 to have.

3 And you were seeking approval of a
4 settlement, right?

5 A Yes, sir.

6 Q And you told me that after Cory spoke and
7 Alec spoke -- did you actually speak at all?

8 A No, sir.

9 Q Never spoke?

10 A No, sir.

11 Q You weren't asked any questions or
12 anything? It was approved?

13 A Yes.

14 Q Do you remember whether an order was
15 signed at that hearing?

16 A I don't.

17 Q Okay. Did Mr. Laffitte ever -- Russ
18 Laffitte ever tell you about his experiences of
19 being a PR and what it entailed and what it should
20 have done?

21 A No, sir.

22 Q Did he give you any advice or rules of the
23 road?

24 A No, sir.

25 Q Did he encourage you to do it or not to do

CHAD WESTENDORF - ROUGH DRAFT

1 it? Did he say, "Hey, this is a good thing. You
2 can make some side money"?

3 A No, sir.

4 Q Did the bank let you keep the money to be
5 PR?

6 A Yes, sir.

7 Q Okay. So you didn't view this as anything
8 but a one-off? This wasn't something you were
9 thinking, like, I am going to start now being a
10 cottage industry, being a PR?

11 A No, sir.

12 MR. BLAND: Okay. So my next exhibit for
13 you is 14 (handing).

14 - - -

15 (Description marked
16 PARTYEXB Exhibit
17 Number for identification.)

18 - - -

19 BY MR. BLAND:

20 Q And this is a check from Moss
21 Kuhn & Fleming made payable to Forge for \$403,500.
22 You see that?

23 A Yes, sir.

24 Q When was this approved to be paid to
25 Forge?

CHAD WESTENDORF - ROUGH DRAFT

1 A I believe the disbursement settlement
2 statement I signed was January 7.

3 Q And it said it was going to go to Forge?

4 A I think so.

5 Q Okay. So from the \$505,000, 403,500 was
6 supposed to go to Forge?

7 A Yes, sir.

8 Q Okay. What was the contingency fee that
9 Cory Fleming was operating under?

10 A I don't know.

11 Q A third?

12 A I have no idea.

13 Q 40 percent? If it was a third, he didn't
14 take as much fee as he should have from that, is
15 there? He didn't take -- if it was a third, 166,000
16 or some odd dollars should have been taken off the
17 top, right?

18 A Yes, sir.

19 Q But \$403,500, which should have left about
20 101,000 -- \$101,500, that's what should have been
21 left. Did you ever try to get an accounting of all
22 that?

23 A I did not.

24 Q Was it your responsibility to have an
25 accounting for the estate?

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes, sir.

2 Q So this check was written, right? Is it
3 endorsed?

4 A I don't know. Looks like it says "deposit
5 only" to me.

6 Q Is that an endorsement?

7 A I wouldn't think so.

8 Q You're a banker.

9 A Yeah, I wouldn't --

10 Q If you are the payor bank, and Lydon
11 National Bank presents a check from one of its
12 customers, Cindy, and says, "We want you as the
13 payor bank to pay the funds," and you saw that, you
14 would send it back to Lydon National Bank and say,
15 "Can I get an endorsement," right?

16 A I guess, yeah. Sometimes it is -- I would
17 say you could see them going through like that, but
18 usually the account number is attached to it or
19 whatnot.

20 Q Have you ever, in your experience, seen a
21 check be sent back to a collecting bank and say,
22 "Look, we need an endorsement on it. We can't honor
23 the check"?

24 A No, I haven't, but I'm -- I don't deal
25 with that. I don't normally deal with checks.

CHAD WESTENDORF - ROUGH DRAFT

1 Q So before you became the big honcho, you
2 never were a lower honcho? Before you became
3 executive VP, you weren't a teller?

4 A I was a teller way back at a different
5 bank. I've never been a teller at Palmetto State
6 Bank.

7 Q All right. But it's important to have
8 endorsement, right?

9 A It's very important, yes, sir.
10 To go back to it, like, when I endorsed
11 the check as Chad Westendorf as PR for Gloria
12 Satterfield's estate, I --

13 Q You wrote it out.

14 A -- did it exactly how it was written on
15 the payee, yes.

16 Q The payee determines who should endorse.
17 Okay.

18 MR. BLAND: So the next exhibit is 15.

19 - - -

20 (Description marked
21 PARTYEXB Exhibit
22 Number for identification.)

23 - - -

24 BY MR. BLAND:

25 Q This is the disbursement sheet that you

CHAD WESTENDORF - ROUGH DRAFT

1 signed (handing).

2 A Yes.

3 Q And you are correct, you signed it like
4 you said --

5 A Yes, sir.

6 Q -- Chad Westendorf as PR of the estate,
7 right?

8 A Yes, sir.

9 Q And you signed it on January 7th?

10 A Yes, sir. In my office.

11 Q In your office. Tell me how you signed
12 this settlement statement like that, with those kind
13 of disbursements. What did they mean?

14 A I don't know.

15 Q Well, the settlement was for \$505,000, and
16 you signed a settlement statement saying the
17 settlement was for 475,000.

18 You saw a check come in for \$505,000. You
19 endorsed it. You told the judge, on December 19th,
20 that the settlement was \$505,000.

21 Who prepared this disbursement sheet?

22 A I don't know.

23 Q Did Alex prepare it?

24 A He brought it.

25 Q He brought it to you?

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes.

2 Q Where, at the bank?

3 A Yeah, at the bank.

4 Q So Alex brought you this document.

5 Did you not read it and say, "Hey,

6 Mr. Alec, the settlement is \$505,000"?

7 A No, I did not.

8 Q You didn't? Okay.

9 Did you see that it had only \$50,000 of
10 attorneys' fees?

11 A Yeah.

12 Q Did you ask, "What's that in reference to?
13 What percentage? How did you arrive at that?"

14 A I did not.

15 Q And it said you get \$10,000.

16 A Yes, sir.

17 Q How was that determined?

18 A I don't know.

19 Q And you did get \$10,000.

20 A Yes, sir.

21 Q I saw it --

22 A Yes, sir.

23 Q You did?

24 A Yeah.

25 Q And then it says there was prosecution

CHAD WESTENDORF - ROUGH DRAFT

1 expenses of \$11,500. And it says: "I understand
2 and fully approve the above disbursement. I
3 acknowledge the receipt of the above amount in a
4 copy of this statement."

5 So you -- you're approving \$11,500 of
6 expenses. What did you base that on?

7 A I don't know. I didn't have any proof.

8 Q Did you sign and give this to Alec or did
9 you provide this to Cory?

10 A I gave it to Alec.

11 Q And you signed it?

12 A Yes, sir.

13 Q And so it says that from that, \$403,500 is
14 going to Forge.

15 A Yes.

16 Q And we saw that check, right?

17 A Yes, sir.

18 Q Can you tell me where the other \$30,000
19 went to?

20 A No, sir.

21 Q That's \$30,000 that belongs to my client.
22 Right?

23 A Yes, sir.

24 Q And Alec and Cory are representing to the
25 court in these papers that it's a \$505,000

CHAD WESTENDORF - ROUGH DRAFT

1 settlement, yet you're signing a disbursement sheet
2 that it's only a \$475,000 settlement.

3 A Yes, sir.

4 Q Do you owe an apology today to my clients?

5 A I'm sorry this happened to them. Yes, I
6 do.

7 Q I appreciate that and I know you they're
8 going to appreciate that.

9 A And I'm sorry they lost their mother more
10 than anything.

11 Q And I know they're going to appreciate
12 that, too. And I thank you for that.

13 The date of the injury is February 28th,
14 2018. What date's that? She fell on February 2nd.
15 She died on February 26th. What -- what is
16 February 28th? Don't know?

17 A Don't know.

18 MR. BLAND: Our next exhibit is 16.

19 - - -

20 (Description marked
21 PARTYEXB Exhibit
22 Number for identification.)

23 - - -

24 BY MR. BLAND:

25 Q And this is you writing -- this is one of

CHAD WESTENDORF - ROUGH DRAFT

1 the only e-mails that I've seen you write. And you
2 sent it on your e-mail at Palmetto State Bank. And
3 you wrote it to Cory and you said: "Good morning,
4 Cory. Hope all is well. Could you please send me a
5 copy of the document that we signed with the judge
6 the other day. Just want to keep a copy."

7 Do you see that?

8 A Yes, sir.

9 Q What made you want to write that on
10 January 14th?

11 A It was after the 7th, and we signed that.
12 And I never received any of the documents from the
13 19th meeting. And I was wanting to get -- to keep
14 them.

15 Q Okay. Did he ever send you any?

16 A Yeah, I got those.

17 Q He did?

18 A Yes, sir.

19 Q Hold on here for a second.

20 What did you get?

21 A It was a copy of the agreement disburse --
22 the one you had earlier.

23 Q I'll show you. I gave you that
24 disbursement, but hold on.

25 A No. It was --

CHAD WESTENDORF - ROUGH DRAFT

1 Q I'm going to show you something right
2 here.

3 A Okay.

4 MR. BLAND: So Exhibit Number 17
5 (handing).

6 - - -

7 (Description marked
8 PARTYEXB Exhibit
9 Number for identification.)

10 - - -

11 BY MR. BLAND:

12 Q This is the order approving the wrongful
13 death and survival settlement from that hearing.
14 And I'm really concerned because I've never seen a
15 signed copy. All I've ever seen is an unsigned
16 copy.

17 Did you ever see a signed copy by Judge
18 Mullen?

19 A No, sir.

20 Q From that settlement?

21 A No, sir.

22 Q So the document you were asking was
23 probably --

24 A The one I --

25 Q -- the disbursement sheet from January --

CHAD WESTENDORF - ROUGH DRAFT

1 or the petition?

2 A The petition, yes, sir.

3 Q So you signed the petition, and you wanted
4 a copy of the petition.

5 A Yes.

6 Q If we go back to the petition -- I'll take
7 you back there real quick. It's Exhibit Number --

8 MR. LYDON: 13.

9 BY MR. BLAND:

10 Q -- 13, yep. It says there's a \$505,000
11 settlement, doesn't it?

12 A Yes, sir.

13 Q The order that was drafted says only it
14 was \$475,000. So do you know how -- when the change
15 came from 505 to 475?

16 A No, sir.

17 Q And to your knowledge, did you ever see a
18 signed Judge Mullen order from the first one?

19 A This was the first --

20 Q Yeah.

21 A No, sir.

22 Q No. Okay. So the structure is discussed,
23 but you don't see the check going to Forge, right?

24 A No, sir.

25 Q And you never communicated with Forge,

CHAD WESTENDORF - ROUGH DRAFT

1 right?

2 A No, sir.

3 Q And you never saw an insurance policy,
4 right, an annuity policy, right?

5 A (Shakes head.)

6 Q Okay. And you would agree with me that
7 Alex was the one that talked to you about a
8 structure, right? You heard Alex --

9 A He was in there in the meeting with Cory
10 and Alex.

11 Q They talked about a structure?

12 A They talked about Forge. The money was
13 going to Forge is what I heard.

14 Q And you didn't ask who's getting what --

15 A I did not.

16 Q -- what the terms of an annuity would be,
17 how long it would go, how it's funded, how it would
18 be paid. You would agree with me that that's a
19 business decision that you should have weighed in on
20 for your heirs, right?

21 A I understand that.

22 MR. LYDON: Object to the form.

23 BY MR. BLAND:

24 Q Because the heirs are entitled to their
25 money that the court orders when they're over the

CHAD WESTENDORF - ROUGH DRAFT

1 18 -- age of 18, right?

2 A I understand that.

3 Q When you're over 18, you get your money --

4 A Okay.

5 Q -- as an intestate heir. Gloria died
6 without a will. Do you understand that?

7 A I do not.

8 Q Do you know the difference between testate
9 and intestate?

10 A I do not.

11 Q Do you know now?

12 A No, sir.

13 Q Okay. So she died without a will makes it
14 intestate. So the law would say that if she had a
15 husband and two children, husband gets 50 percent,
16 kids get 50 percent. But she died without a
17 husband, so all the money went to the kids.

18 You knew that they were the heirs of her
19 estate, right?

20 A Yes, sir.

21 Q You just didn't know whether they were
22 heirs based on a will or based on intestacy,
23 right -- intestate?

24 A Right.

25 Q So if you're permitting money to go into

CHAD WESTENDORF - ROUGH DRAFT

1 annuity, you would have had to have had discussions
2 with the children, the boys, who are 30 years old
3 and older: You don't want the cash now. You're
4 going to put it in a structured annuity.

5 Did you have those discussions?

6 A I did not.

7 Q Did Cory tell you you should have those
8 discussions?

9 A He did not.

10 Q Okay. So when -- what's the next thing
11 that happened after -- you got your \$10,000. That's
12 the only thing you really knew about. You didn't
13 even know the 403,500 was sent to Forge.

14 A I did not.

15 Q You weren't copied on a cover letter that
16 Cory sent to Forge depositing, you know -- sending
17 the check?

18 A No, sir.

19 Q If I told you that Cory just put that
20 check in an envelope and sent it to a P.O. Box in
21 Hampton, would that surprise you?

22 A Very much.

23 Q Addressed to Forge. And there wasn't a
24 cover letter. So if there really is a Forge, which
25 there is, Forge Consulting -- and so the Forge check

CHAD WESTENDORF - ROUGH DRAFT

1 goes to Forge -- what's Forge supposed to do with a
2 Forge check? It doesn't say on the bottom the
3 Satterfield kids or -- I'll show you the check
4 again.

5 A Sure. How would they know? I agree.

6 Q I mean, if I sent \$10 million to Zurich
7 Insurance Company today, who -- how are they going
8 to apply it? Where does it go?

9 And in this case, there's two boys. On
10 the bottom it should have two account numbers, you
11 know, to say, look, split the proceeds. Something.

12 And you heard Cory Fleming through his
13 lawyers say, "I was duped." You've heard that,
14 right? Have you heard that Cory Fleming, through
15 his attorneys -- Cory hasn't spoken, but Cory's
16 attorneys have said he was a victim; he was
17 victimized by Alec. Alec hoodooed him; that he was
18 unwary or ignorant that Alex wasn't actually doing
19 anything with Forge. There wasn't a Forge.

20 I mean, the whole concept -- think about
21 this, that you're letting the defendant, Alec
22 Murdaugh, have these discussions with supposedly
23 Forge and setting up the structure when he's the
24 defendant. Doesn't that strike you as a conflict of
25 interest or crazy?

CHAD WESTENDORF - ROUGH DRAFT

1 A It should.

2 Q It should. Okay. It didn't.

3 Did they ever say where Forge was located
4 in the hearing in front of Judge Mullen? Did they
5 say it's located in Georgia or in Hampton --

6 A No, I did not --

7 Q Or Columbia, South Carolina?

8 A -- hear that, no.

9 Q So you get the 10,000. You don't know
10 about how Cory disbursed it. You don't know about
11 that there's \$30,000 that's unaccounted for. You
12 only get a petition that you signed.

13 So at this point, you have your signed
14 petition that was filed with the court on the 19th.
15 Did you get a copy of the disbursement sheet that
16 you signed?

17 A I made a copy, yes.

18 Q Okay. So those are the two documents that
19 you have, along with when you became PR on the 18th.

20 A Yes.

21 Q Okay. So that's kind of your file at that
22 point.

23 A At that point, yeah. I did -- yes.

24 Q So what happened, like, during the rest of
25 January and February? Were you getting ready for --

CHAD WESTENDORF - ROUGH DRAFT

1 A The next I received was a letter stating
2 that they requested me at a mediation.

3 Q Mediation.

4 A And I believe the mediation date would
5 have been March 21st, something like that. I'm not
6 going to swear to that.

7 Q Yeah, the end of March.

8 A And I should --

9 Q And you were out of town.

10 A No. There should have been some e-mails
11 to Cory that the bank was running low on people and
12 I wasn't going to be able to come in person. I said
13 I could show up on Saturday. He said, "No. Let's
14 do it over the phone."

15 Q Okay. I've never seen those e-mails, but
16 I trust you that they're in existence. I didn't see
17 them in your file and I didn't see them in Cory's
18 file.

19 A Okay. It was just I could not make it.

20 Q Right.

21 A I'm having trouble at the bank -- not
22 trouble.

23 Q They were short on staff.

24 A Short on staff, and I need to remain
25 there.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Okay. So did you have preparation for the
2 mediation?

3 A No, sir.

4 Q Did you ever think, I need to start
5 talking to the boys to figure out what's going to
6 happen to all this money; are they satisfied; what
7 state they're in.

8 You know, somebody says I'm going to buy
9 an annuity for these boys, you know, don't you have
10 an obligation the find out whether the boys may need
11 the money today? What if Brian had cancer and he
12 needed the money? What if Tony needed dental work,
13 which he does? Did you have any of those
14 discussions?

15 A No, sir.

16 MR. BLAND: Okay. So the next exhibit is
17 18 (handing).

18 - - -

19 (Description marked
20 PARTYEXB Exhibit
21 Number for identification.)

22 - - -

23 BY MR. BLAND:

24 Q So now we know we're going into a
25 mediation. The mediation actually settled for

CHAD WESTENDORF - ROUGH DRAFT

1 \$3.8 million. And you were on the phone -- or were
2 you available by phone?

3 A I was available. I was on several times
4 during that day, and I was told the day of the
5 mediation that no settlement was reached.

6 Q Okay.

7 A And then I got a call later, a couple days
8 later, to let me know that it was --

9 Q 3.8?

10 A -- offered; and that if I was okay with
11 him accepting it.

12 Q I'm sure you gulped when you saw 3.8.

13 A Yes. I thought it was a very...

14 Q I will tell you this. Obviously Ronnie,
15 Scott, and I represent Gloria. And we've learned a
16 lot about Gloria, a wonderful person. But where we
17 practice, that's an extraordinary settlement of
18 \$4.3 million for a 57-year-old lady that basically
19 earns \$11. Not to minimize her life, what she's
20 worth. It's priceless. But from lawyers -- and he
21 does defense work -- economically, you say, Okay.
22 There were \$600,000 of medical bills. She had this
23 much of lost income. Maybe you could get 1.5 to
24 \$2 million settlement. But \$4.3 million is just
25 extraordinary. And I'm sure you felt the same way.

CHAD WESTENDORF - ROUGH DRAFT

1 A Yeah.

2 Q And you're not even a lawyer.

3 A No.

4 Q And you're not even a guy that's aware of
5 this. I'm just telling you, we were flabbergasted
6 and impressed with Cory Fleming, to be honest with
7 you.

8 Now, we do have a little more information
9 than we initially did, which was that Alec was
10 pressing the hammer on his own insurance companies
11 and saying, "Look, if you don't settle this, there's
12 going to be an excess verdict. It could be more
13 than the \$5 million of coverage, or whatever the
14 excess is. And if that's the case, it comes against
15 me personally. I'm going to sue you guys for bad
16 faith."

17 Did you ever hear those kind of terms?

18 A No.

19 Q And Alex kind of told the carriers, "Look,
20 this is going to be tried in Hampton County, my
21 county, my jurors." I've seen this in the insurance
22 file, just to let you know. "And that I'm going to
23 stand up in front of this jury and say, 'It's my
24 responsibility that this woman died. It's my
25 fault.'"

CHAD WESTENDORF - ROUGH DRAFT

1 And so the analysis of the insurance
2 company was they're very scared of Alex in front of
3 a Hampton County jury. And that's why they made the
4 decision to settle for \$3.8 million.

5 So you get called on the phone and you're
6 like, "Yeah, it's a good number. Take it." It's
7 not like -- you didn't come back and say, "Well,
8 Cory, do you think you can get 5 million?" You
9 didn't say that, did you?

10 A No. I'm just curious why everybody
11 involved is on here and they don't include me. I
12 mean, if they know I'm the personal representative,
13 I'm supposed to be in this stuff.

14 Q So when you're at this mediation, you're
15 aware, because you're in Hampton County, that
16 Mallory Beach died?

17 A Sure.

18 Q And the whole landscape started to change
19 because reporters, both statewide and nationally,
20 started to descend on, you know, this beautiful
21 county. Yesterday I actually was in Hampton. I've
22 never been there before. Never been there before.
23 I ate at Coconut's. It was quiet. But I'm sure at
24 different times, it wasn't quiet in that town, that
25 there were a lot of reporters and cameras there and

CHAD WESTENDORF - ROUGH DRAFT

1 everything.

2 Did you get an impression at the mediation
3 that the Mallory Beach death had an impact on this
4 in any way, shape, or form?

5 A Not at that time, I wasn't. It wasn't
6 brought up.

7 Q Okay. If you look at 18, this third
8 sentence -- third paragraph says: "John Grantland
9 says my office will work on the court approval
10 documents ASAP. And the agreements we prepare will
11 all have, B" -- doesn't make sense -- "the In Re:
12 Gloria Satterfield caption."

13 Do you see that?

14 A Yes, sir.

15 Q It says, "Cory, if you want to structure
16 some of the proceeds of the settlement, please let
17 me know and I'll be happy to put the PR in touch
18 with the structured settlement broker."

19 Do you see that?

20 A Yeah.

21 Q So John Grantland thinks you're involved
22 in the structure. He thinks because you, as the PR,
23 are the people for the estate, you have to speak to
24 the structure people. You see that?

25 A I see that, yeah.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Okay. Do you know how a structure works?

2 A No, sir.

3 Q Do you know how a plaintiff's attorney
4 interfaces with the insurance companies who do the
5 structure?

6 A No, sir.

7 Q Okay. Do you know if the attorney, the
8 plaintiff's attorney, receives the check and it's in
9 his possession, whether you can do a structure?

10 A I do not.

11 Q Do you know that Cory Fleming -- and I'm
12 going to show you an exhibit -- about a year and a
13 half before this actually received from Forge
14 Consultants an e-mail that said: Cory, this is how
15 a structure works. If the money touches your hands,
16 the settlement proceeds, you can't structure. The
17 only way a structure works is the payor insurance
18 company sends the check to the structured insurance
19 company. They buy the structure, the annuity, and
20 then whatever the net proceeds are supposed to go to
21 the attorney for his fees, or net proceeds to the
22 beneficiaries, that they're supposed to get from the
23 settlement, the structure company settles it.

24 Did you know that's how it works?

25 A No, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q So that's how John Grantland knows how it
2 works, because he's putting you in touch with the
3 structure broker, not Cory. He's not saying, "Cory,
4 I'm going to put you in touch with the structure
5 insurance company." He's saying, "I'm going to put
6 Chad Westendorf in touch." But you had no idea
7 about that.

8 A No idea.

9 Q If you read the third paragraph, it says,
10 "We're going to change the caption."

11 Do you remember having those discussions
12 at the mediation?

13 A No, sir.

14 Q You weren't there -- you weren't on the
15 phone or nobody called you?

16 A No, sir.

17 Q Now, I showed you the caption before.

18 A Yes, sir.

19 Q It was the Estate of Gloria Satterfield
20 versus Alex Murdaugh. And you're the PR -- it says
21 the PR -- excuse me -- of the estate. You're the
22 plaintiff.

23 Did you consent for your caption, you
24 being the plaintiff, to be changed to In Re: Gloria
25 Satterfield?

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir. And I don't know what that
2 means.

3 Q Do you understand -- in re: is just a term
4 that estate lawyers like Tommy use. It means, you
5 know, in the name of.

6 But it doesn't even say decedent now. Now
7 it gets a little bit squirrely because it doesn't
8 say, In Re: Gloria Satterfield, decedent. It jus
9 says, In Re: Gloria Satterfield. And that can mean
10 a person that's incapacitated because they're in the
11 hospital.

12 You didn't consent for that caption to be
13 changed, did you?

14 A No, sir.

15 Q Nobody asked you?

16 A Nobody asked me.

17 Q And if you were asked, would you take your
18 name off as a plaintiff on that caption for the
19 estate?

20 A No, sir.

21 Q Did you ever hear that the reason they're
22 changing the caption -- and whose name got taken off
23 that? Your name, right?

24 A Yes.

25 Q And now the guy on the other side of the V

CHAD WESTENDORF - ROUGH DRAFT

1 was who? Alec?

2 A Alec.

3 Q His name was taken off.

4 A Was it?

5 Q Yeah. Well, now it's In Re: Gloria
6 Satterfield.

7 So did you ever find out that the reason
8 they wanted to take the caption off was because Alec
9 didn't want Mark Tinsley, who was representing
10 Mallory Beach, to find out he was settling a case
11 and paying a lot of money? Did you ever hear that
12 discussion?

13 A Repeat your question, please.

14 Q Ever hear that discussion that the reason
15 Alec's name was being taken off that caption was he
16 didn't want Mark Tinsley, who was suing him, suing
17 his son for the Mallory Beach boating accident, he
18 didn't want anybody to find out in public record
19 that this kind of money was being paid from his
20 homeowners insurance carrier?

21 A The only time I heard that was --

22 Q Was in chambers?

23 A -- in chambers, yes.

24 Q At the second settlement conference?

25 A Yes. And that's where --

CHAD WESTENDORF - ROUGH DRAFT

1 Q And Alec wasn't even there.

2 A He wasn't there.

3 Q And that was said to Judge Mullen.

4 A From Cory, yes, sir.

5 Q And Judge Mullen says, "I understand."

6 A "I understand."

7 Q And Judge Mullen, did you know, had
8 recused herself a month before from the BUI
9 lawsuit -- BUI meaning boating under the influence.

10 A Sure.

11 Q I'm going to show you an order that a
12 month before you had your hearing, she recused
13 herself from hearing anything having to do with Alex
14 Murdaugh in Mallory Beach's death.

15 A I did not.

16 Q Did she discuss that to you? Did she say
17 to you, "Mr. Westendorf, you're the PR for this
18 estate. And I need to disclose to you that I have
19 recused myself one month before from having to do
20 anything with Alex Murdaugh in the Mallory Beach
21 death"?

22 A No, sir.

23 Q Okay. So you didn't see this e-mail where
24 they're going to change the caption?

25 A No, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 MR. BLAND: Okay. So the next document is
2 19 (handing). This is the settlement
3 agreement.

4

- - -

5 (Description marked
6 PARTYEXB Exhibit
7 Number for identification.)

8

- - -

9 MR. LYDON: Do you have another one here?

10 MR. BLAND: I'm sorry (handing).

11 MR. LYDON: Thank you.

12 BY MR. BLAND:

13 Q Do you remember signing this settlement
14 agreement?

15 A No, sir.

16 Q Okay. Do you remember seeing this
17 settlement agreement, that it said --

18 A I don't remember seeing this. No, I don't
19 remember seeing it.

20 I'm sorry. He told me to speak up.

21 Q Do you remember the statement at the
22 bottom, right before the bottom, it says on the
23 front page: "The settlement petition and order
24 shall not have an adversarial caption."

25 Do you remember seeing that language?

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir. And I don't know what that
2 means.

3 Q Okay. Well, obviously --

4 A I know now.

5 Q -- it's a V.

6 A Yeah.

7 Q Chad versus Eric.

8 Now it's going to say, In Re: Gloria
9 Satterfield.

10 MR. BLAND: Let's take a five-minute
11 break.

12 THE VIDEOGRAPHER: This is the end of
13 media 1. The time is 11:32 a.m. We are off
14 the record.

15 (Whereupon there was a recess in the
16 proceedings from 11:32 a.m. to 11:37 a.m.)

17 THE VIDEOGRAPHER: The time is 11:37 a.m.
18 This is the beginning of media 2. We are back
19 on the record.

20 - - -

21 (Description marked
22 PARTYEXB Exhibit
23 Number for identification.)

24 - - -

25 BY MR. BLAND:

CHAD WESTENDORF - ROUGH DRAFT

1 Q So I'm showing you Exhibit Number 20.

2 This is where Judge Mullen, on April -- I think it

3 was the 4th -- yeah, April 4th -- or April 10th.

4 Excuse me. She recused herself. Judge Mullen has

5 recused herself from hearing all matters related to

6 this case and forwarded to justice for reassignment.

7 So this is the Mallory Beach case versus Gregory

8 Parker. And et al. means that there's other

9 defendants.

10 And you were unaware of that when you went

11 into that hearing.

12 A Yeah.

13 Q So when you went into the hearing on

14 April 13th, it was just you, Cory --

15 A May 13th.

16 Q May 13th. You and Cory.

17 A Yes, sir, and Judge Mullen.

18 Q And Judge Mullen. And, again, that was

19 not on court record and it was not in a courtroom?

20 A No, sir. It was in a room off there.

21 Q A room off there. Okay.

22 And did it strike you funny when Judge

23 Mullen said, "We're going to change the caption and

24 take Alex's name off"?

25 A I didn't know that happened until you just

CHAD WESTENDORF - ROUGH DRAFT

1 told me.

2 Q Well, you said there was a discussion in
3 front of --

4 A Not about taking the caption off. The
5 only discussion we had was he claimed -- or he told
6 Judge Mullen that he would -- that Alec's attorneys
7 would appreciate it or would not want her to file
8 the order at this time.

9 I didn't know anything about a caption.

10 Q Okay.

11 A They asked -- they asked not to file
12 because of the --

13 Q The Mallory?

14 A -- the recent boating accident.

15 Q The recent boating accident --

16 A Yes.

17 Q -- and he was being sued?

18 A Well, I didn't know about being sued, but
19 she just said, "the publicity over the recent
20 boating accident."

21 Q And that's why she said, "I'm going to
22 sign the order, but don't file it"?

23 A Yes; it wasn't filed.

24 Q She said, "Don't file it."

25 A Cory asked if it couldn't -- "I'm going to

CHAD WESTENDORF - ROUGH DRAFT

1 file this later."

2 I don't remember the judge saying, "Don't
3 file it," but Cory said, "We want to file this
4 later."

5 Q Well, we're not -- it was never filed.

6 A I don't know how it all works. Okay.

7 Q It was never filed.

8 A Okay.

9 Q So he told her, "We're not going to file
10 it because of the publicity over the boating
11 accident," and she said, "Okay."

12 A Yes.

13 Q And then signed the order?

14 A She signed something. I cannot say that
15 was the exact thing she signed, but I was in there
16 when she agreed to it.

17 MR. BLAND: Okay. So the next document is
18 21, which is a Release that you actually did
19 sign (handing).

20 THE WITNESS: Yes, sir.

21 - - -

22 (Description marked
23 PARTYEXB Exhibit
24 Number for identification.)

25 - - -

CHAD WESTENDORF - ROUGH DRAFT

1 BY MR. BLAND:

2 Q And you signed as Chad Westendorf,
3 personal representative of Gloria Satterfield, on
4 the 11th of April.

5 A Yes, sir.

6 Q And this is where you're agreeing to
7 release these insurance companies for the payment of
8 \$4.3 million.

9 A Yes, sir.

10 - - -

11 (Description marked
12 PARTYEXB Exhibit
13 Number for identification.)

14 - - -

15 BY MR. BLAND:

16 Q Okay. And so then on April 22nd, Exhibit
17 Number 22 (handing), the check is actually sent in
18 the amount of \$3.8 million. And it's made payable
19 to you and to Moss Kuhn & Fleming as the attorneys,
20 correct?

21 A Yes, sir.

22 Q And you signed the check?

23 A Yes, sir.

24 Q You endorsed it?

25 A Yes, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q You didn't put "for deposit only." You
2 put "Chad Westendorf as personal representative of
3 the Estate of Gloria Satterfield."

4 A Yes, sir.

5 Q Do you see an endorsement by Moss
6 Kuhn & Fleming on there?

7 A I do not.

8 Q Okay. So that check wasn't even correct.

9 A Well, this was for me.

10 Q Right.

11 A I made a copy of this. So I don't know --
12 if I may.

13 Q You don't know if, when he took the check,
14 that he may have put --

15 A Yeah. His investigator brought this check
16 to the bank for me to sign. That's how I had copies
17 of these and I sent them to you.

18 Q Now, this is to Cory Fleming.

19 A Yes.

20 Q And you see the second sentence, it says:
21 "Please hold these settlement funds in trust until
22 the petition and the order approving the settlement
23 have been signed and filed at the probate court
24 settlement hearing."

25 A Yes, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Now, you just told me that you were aware
2 that there were discussions between Cory and Judge
3 Mullen where they agreed not to file this. And you
4 got a copy of this letter.

5 Did it strike you as strange, when you're
6 in the settlement conference and they're discussing
7 not filing it of record, when the man who sent the
8 money said, "Look, this is to be hold in trust until
9 it's actually signed and filed, the order." You
10 never thought of that?

11 A I thought he would hold it until it was
12 filed. I mean, my interpretation of -- never mind.

13 Q Right. All you heard was that he -- he
14 asked Judge Mullen --

15 A To wait.

16 Q -- to wait to sign it, and we're not going
17 to file it. And she said, "Okay."

18 A Yes, sir.

19 - - -

20 (Description marked
21 PARTYEXB Exhibit
22 Number for identification.)

23 - - -

24 BY MR. BLAND:

25 Q Then the next document that I want to show

CHAD WESTENDORF - ROUGH DRAFT

1 you is 23, which is the petition (handing). And,
2 again, you're not a lawyer, but you will see that
3 the caption now is just In Re: Gloria Satterfield.

4 A Yeah.

5 Q It's not Chad Westendorf as personal
6 representative for the Estate of Gloria Satterfield
7 versus Alex Murdaugh. It's not even In Re: Gloria
8 Satterfield Estate. It's not even Decedent. It
9 doesn't even tell the world she's dead, right?

10 A If that's what you say. I don't know what
11 that means, I've told you.

12 Q Well, Gloria Satterfield.

13 A That's all. That's all it means.

14 Q I can't look at the name Gloria
15 Satterfield and know that she's dead.

16 A I understand that.

17 Q Because it usually says decedent or
18 estate.

19 A I gotcha.

20 Q And there's no docket number, right?

21 So when you walked into the chambers with
22 this petition, which you signed --

23 A Yes, sir.

24 Q -- as Chad Westendorf, you signed the
25 Verification, and you signed as PR.

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes, sir.

2 Q When you walked into the chambers, did
3 Judge Mullen not say to Cory Fleming, "Where is the
4 petition that I'm supposed to rule on that's filed
5 of court record? How is this caption the new
6 caption when the caption that's filed of record is
7 Chad Westendorf versus the -- versus Richard Alex
8 Murdaugh?"

9 Did she not say, "Mr. Fleming, what are
10 you doing with this caption? Where is this?
11 There's no order."

12 You understand that if a caption -- you
13 probably understand now.

14 A Yeah.

15 Q You have a court caption. It's in the
16 court record. So the Clerk of Court will type up a
17 caption and it will come up.

18 If you're going to change the caption, a
19 judge has got to approve that so that the Clerk of
20 Court can change the caption. There's got to be a
21 way to search records and file stuff that it gets
22 filed right.

23 A Yes, sir.

24 Q Did not Judge Mullen say, "Mr. Fleming,
25 what are you doing bringing this caption in here? I

CHAD WESTENDORF - ROUGH DRAFT

1 don't understand. It's not even filed, this
2 petition."

3 She didn't say that?

4 A I don't remember anything even discussing
5 that. Like I said, that's the first I heard of it,
6 today.

7 - - -

8	(Description	marked
9	PARTYEXB	Exhibit
10	Number	for identification.)

11 - - -

12 BY MR. BLAND:

13 Q So the next document is 24 (handing).
14 This is the actual order that she initialed and
15 signed, right?

16 A She signed something. Like I said --

17 Q Right.

18 A -- I wasn't standing over her shoulder,
19 but we were discussing it and everybody had
20 paperwork. Yes.

21 Q Okay. So this was filed in December, if
22 it's -- she didn't file it. The filing on there is
23 December 2021 in another court filing.

24 A Yes.

25 Q This was never filed of record. And you

CHAD WESTENDORF - ROUGH DRAFT

1 signed the disbursement sheet.

2 A Yes, sir.

3 Q And this is now a combined disbursement
4 sheet. There's \$505,000 that was the Lloyd's first
5 settlement, right?

6 A Yes, sir.

7 Q There the 3.8 million, which was the
8 Nautilus settlement.

9 A Yes, sir.

10 Q Attorneys' fees from the first one are
11 \$168,333.33 from Lloyd's and 1.2 million from the
12 Nautilus settlement. Right?

13 A Yes, sir.

14 Q But we already went through the
15 disbursement sheet that you signed on January 7th.

16 A Yeah.

17 Q And that wasn't a settlement of 505. It
18 was a settlement of 475. You didn't catch the
19 difference?

20 A I did not catch that.

21 Q And \$403,500 was already sent to Forge.
22 We saw that check.

23 A Yes, sir.

24 Q Which leaves \$101,500. Where was the
25 \$168,000 of attorneys' fees going to come from?

CHAD WESTENDORF - ROUGH DRAFT

1 A (Shakes head.)

2 Q Then you signed and approved \$105,000 of
3 prosecution expenses. And you're saying, "I fully
4 understand and approve the above disbursements."

5 What did you do to avail yourself that
6 there was \$105,000 of expenses?

7 A I didn't.

8 Q And if you approved 11,500 -- I know it's
9 embarrassing for you, and it's painful, but if you
10 approved the 11,500 on January 7th, right --

11 A Yes.

12 Q -- of expenses --

13 A Yes, sir.

14 Q -- how was there an additional 105,000
15 between January of 2019 and the May 13th, 2019,
16 hearing?

17 A No idea.

18 Q It's not credible.

19 A It's not.

20 Q There wasn't -- there wasn't ongoing
21 litigation. There wasn't depositions. The estate
22 wasn't paying Cory by the hour. He was taking a
23 contingency fee up top. You see his contingency
24 fee.

25 A Yes, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q And where -- where does that -- how does
2 that make sense other than it's just Cory stealing?

3 A It doesn't make sense.

4 Q So the net, it says, that you're going to
5 oversee that's going to go to my clients is
6 \$2,765,000. You're going to oversee that. You're
7 going to make sure that this gets disbursed this
8 way.

9 And you understand, when Judge Mullen
10 signs this order and she sees this disbursement
11 sheet, she expects that it's going to be disbursed
12 exactly how it was presented to her by you on this
13 sheet. Okay?

14 A Yeah.

15 MR. BLAND: So then we have another
16 disbursement sheet. And this is Exhibit 25
17 (handling).

18 - - -

19 (Description marked
20 PARTYEXB Exhibit
21 Number for identification.)

22 - - -

23 BY MR. BLAND:

24 Q And now it shows the same settlements,
25 505, 3.8 up top. Do you see that?

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes, sir.

2 Q But now it's saying from the Lloyd's
3 portion, they're only going to take \$50,000 of
4 settlement money. Do you see that?

5 A Yes, sir.

6 Q The previous document, they were going to
7 take --

8 A 160-something.

9 Q 168. And now they're saying they're only
10 going to take 600,000 from Nautilus, where the
11 previous document they told the court they were
12 going to take 1266. Do you see that?

13 A Yes, sir.

14 Q And now the prosecution expenses are --
15 there's a mediation for \$1,500. That pays the
16 mediator. And then you got paid another \$20,000.
17 You see that?

18 A Yes.

19 Q For a total of 30.

20 A Yes, sir.

21 Q How is that determined?

22 A I have no idea.

23 Q And then the only other expenses are a
24 55.59, and then there's two, \$8,000 and 8,500,
25 expense checks. And you never figured out what they

CHAD WESTENDORF - ROUGH DRAFT

1 are for.

2 A No.

3 Q And then prosecution remaining in trust,
4 \$191,000. Do you see that?

5 A Yes, sir.

6 Q And they have these Forge checks here.
7 You see those?

8 A Yes, sir.

9 Q But this was never signed by you.

10 A No, sir. I never saw it.

11 Q You never approved it?

12 A No.

13 Q The only one you approved was the one you
14 signed. But somehow this document was created, as
15 well. Okay?

16 MR. BLAND: So the next document is
17 Exhibit Number 26. And I had promised you I
18 was going to share this with you.

19 - - -

20 (Description marked
21 PARTYEXB Exhibit
22 Number for identification.)

23 - - -

24 BY MR. BLAND:

25 Q This is the document that Michael Gunn --

CHAD WESTENDORF - ROUGH DRAFT

1 and I'll represent to you he's the guy from Forge
2 Consulting, LLC. He says to you: Because it's a
3 minor, I'm assuming you'll need certain court
4 approval which can avoid probate. I would recommend
5 we do a minors pool trust -- da, da, da, da --
6 during the years of minority, it can pay -- and then
7 we have the balance that's invested or whatever.

8 But he said: Because the receipt of the
9 funds into your trust account has already occurred,
10 a traditional structured settlement is not possible
11 unless you want to send back the funds to the
12 defendant and have them reissue the checks and
13 change the release.

14 So Cory is already told -- and this is in
15 December of 2017, a year and a half before all this
16 takes place -- you cannot receive these moneys in
17 your account. If you do, there's no structure. The
18 structure can only take place if the checks go from
19 the payor insurance company to the annuity insurance
20 company. So he's already on notice.

21 So when he's writing checks to Forge after
22 he gets your endorsement on the check and deposits
23 it into his trust account, he knows that it can't be
24 a structure. And he's telling the world in this --
25 through his lawyers here that he was duped by Alex;

CHAD WESTENDORF - ROUGH DRAFT

1 he didn't know what was going on; he thought that
2 Alex was buying a structure, whatever.

3 But the threshold thing is he's already
4 been told by Forge, the company that's supposedly
5 going to write the thing, you cannot take possession
6 of those funds and put it in there.

7 This is not your fault. I'm just telling
8 you.

9 A I appreciate it.

10 Q On the people that you were dealing with.

11 MR. BLAND: So the next exhibit that I'm
12 going to show you is 27 (handing).

13 - - -

14	(Description	marked
15	PARTYEXB	Exhibit
16	Number	for identification.)

17 - - -

18 BY MR. BLAND:

19 Q We're almost done.

20 So on 27, the check is made payable to --
21 the same day as the hearing that you had, May 13th,
22 2019, Cory writes a check to Forge for \$2.9 million.
23 And your signed disbursement that he was supposed to
24 write it to was my clients and your client was
25 supposed to get \$2.7 million.

CHAD WESTENDORF - ROUGH DRAFT

1 Did Cory ever tell you, "We need to go
2 back to Judge Mullen to get her to approve this
3 disbursement this way"?

4 A No, sir.

5 Q And you didn't even know that he was
6 sending that check.

7 A I didn't.

8 Q He didn't provide you with a copy of that
9 check.

10 A No, sir.

11 Q And again it's sent to Forge without any
12 remitter at the bottom telling it this is the
13 Satterfield structure; this is for Brian or Tony;
14 half goes to Tony or 60 percent goes to Brian.

15 What is Forge? If there's a real Forge,
16 what are they supposed to do with this check?

17 Now, this was endorsed properly. It says
18 Alex Murdaugh, d/b/a Forge. Now, we know that Forge
19 was a fake because Alex was not in the structured
20 annuity business, but he opened this account. But
21 this is a correct endorsement, assuming that the
22 check was legitimate. So that if it went back to
23 BB&T, the payor bank, they would have to honor it
24 because there's a disbursement -- an endorsement, as
25 long as there were funds in the account.

CHAD WESTENDORF - ROUGH DRAFT

1 A Yes.

2 MR. BLAND: Okay. So the next check is

3 30 -- no -- is 28. Excuse me.

4 - - -

5 (Description marked

6 PARTYEXB Exhibit

7 Number for identification.)

8 - - -

9 BY MR. BLAND:

10 Q And this is -- yeah. This is for
11 \$600,000. And that's not what was supposed to be on
12 the attorneys' fee disbursement that you had. It
13 was supposed to be for \$1.2 million that they were
14 supposed to get.

15 And, again, you didn't see this check,
16 right?

17 A No, sir.

18 Q And it doesn't say in the reference, hey,
19 this is for the Satterfield money. Okay.

20 MR. BLAND: So the next document is

21 Exhibit Number 29 (handing).

22 - - -

23 (Description marked

24 PARTYEXB Exhibit

25 Number for identification.)

CHAD WESTENDORF - ROUGH DRAFT

1 - - -

2 BY MR. BLAND:

3 Q And this is where they're withdrawing
4 their statement for \$95, Michael Sartip. Do you see
5 this? This is a creditor's claim.

6 Now, he didn't withdraw the \$665,000
7 creditor claim. He withdrew a \$95 one. Did you get
8 a copy of this?

9 A I did not.

10 Q And it was sent to the Hampton County
11 court. And, again, it's in the probate court. And
12 you never got a copy of it?

13 A No, sir.

14 MR. BLAND: So the next document I'm going
15 to show you is Exhibit Number 30 (handing).

16 - - -

17	(Description	marked
18	PARTYEXB	Exhibit
19	Number	for identification.)

20 - - -

21 BY MR. BLAND:

22 Q And now it starts to get really crazy.

23 This is a Stipulation of Dismissal, and
24 it's signed by Cory and Alex. Did you know that
25 Cory signed this document a year and a half later,

CHAD WESTENDORF - ROUGH DRAFT

1 on October 5th of 2020, on your behalf?

2 A No, I did not.

3 Q Did he get your permission to sign this
4 document?

5 A No, sir.

6 Q And Alex signed this document on his
7 behalf without any lawyers. Do you see that?

8 A I see that, yes.

9 Q And this is the dismissal of the only
10 caption that exists in the courthouse, the one that
11 started when you started on December 19th, 2018. It
12 was Chad versus Alex Murdaugh. And there's the
13 court term and number up top.

14 A But that wasn't on the other one.

15 Q Where is the dismissal of that? Where is
16 the In Re: Gloria Satterfield? It doesn't exist,
17 does it?

18 And so the very next day --

19 MR. BLAND: I'm going to show you Exhibit
20 Number 31 (handing).

21 - - -

22 (Description marked
23 PARTYEXB Exhibit
24 Number for identification.)

25 - - -

CHAD WESTENDORF - ROUGH DRAFT

1 BY MR. BLAND:

2 Q Cory writes Forge again, \$118,000. No
3 reference. Doesn't say it's pursuant to the
4 Satterfield. It doesn't allocate between Brian and
5 Tony. And this -- that account was supposed to be
6 zeroed out. If you look at your disbursement sheet
7 that you signed on May 13th, everything was supposed
8 to be written out and there would be zero dollars.

9 The 2.7 goes to the client. You get your
10 fees. The attorneys' fees -- there wasn't supposed
11 to be any money left over. Yet almost a year and a
12 half later, there's another \$118,000 that Cory is
13 writing to Forge without any court order. There's
14 never an approval either by you or by Judge Mullen
15 or any judge saying another \$118,000 can be written
16 to Forge.

17 And he didn't call you on the phone and
18 ask your permission.

19 A No, sir.

20 Q Did you assume, in October of 2020, that
21 all the money had been disbursed and there was
22 nothing left?

23 A I did.

24 Q Right. And you don't get a copy of this.
25 You're not told of this.

CHAD WESTENDORF - ROUGH DRAFT

1 A No, sir.

2 Q And Cory represents you. And you'll see
3 this doesn't have an endorsement on it, does it?

4 A It's deposit only.

5 Q It says "deposit only."

6 And so the dismissal is done the day
7 before. And it looks like somebody's trying to zero
8 out an escrow account, because 118,000 goes to
9 Forge. Did you ever see a Forge insurance policy?

10 A No, sir.

11 Q A Forge annuity?

12 A No, sir.

13 Q And we already said you never discussed
14 this with the boys or talked to the boys.

15 And then you learned something at the
16 mediation that we had in September, that even after
17 Cory wrote that \$118,000, he still had another
18 \$113,800 in his trust account. When you heard that
19 that day, were you shocked?

20 A Yeah. I thought it was all over, I mean.

21 Q And what was the -- what was the 113,000
22 still doing in his escrow account? There was no
23 more defendants? There was no more people to
24 prosecute. We -- they exhausted the primary. They
25 settled with the excess. And it's just -- it's just

CHAD WESTENDORF - ROUGH DRAFT

1 a real shame, I think, when you see how all this --
2 this happened.

3 MR. BLAND: So now I'm going to show you
4 Exhibit Number 32 (handing).

5 - - -

6 (Description marked
7 PARTYEXB Exhibit
8 Number for identification.)

9 - - -

10 BY MR. BLAND:

11 Q Here is you getting your first 10, right?

12 A Yes, sir.

13 Q You endorsed it. It was written on
14 January 7th, right?

15 A Yes, sir.

16 MR. BLAND: Okay. And then I'm going to
17 show you Exhibit Number 33 (handing).

18 - - -

19 (Description marked
20 PARTYEXB Exhibit
21 Number for identification.)

22 - - -

23 BY MR. BLAND:

24 Q 33. And you wrote these for me, right?

25 A Yes, sir.

CHAD WESTENDORF - ROUGH DRAFT

1 Q And you acknowledge that you had been
2 paid -- that you're going to return the \$33,000?

3 A Yes, sir.

4 Q And that you actually went to Russ and --
5 contrary to what the bank said, or initially said
6 they were unaware of it, you actually gave a
7 statement on October 1st, saying that you had gone
8 to Russ and told him that you would be a PR, or
9 asked him, and he said you could be, right?

10 A Yes, sir.

11 MR. BLAND: Okay. So now my next exhibit
12 that I'm going to show you is 34 (handing).

13 - - -

14	(Description	marked
15	PARTYEXB	Exhibit
16	Number	for identification.)

17 - - -

18 BY MR. BLAND:

19 Q This is Cory writing himself a check for
20 \$8,000 on January 17th, on this escrow account
21 and -- for 10 -- for \$8,000. Do you know on what he
22 would have spent \$8,000?

23 A I do not.

24 MR. BLAND: Okay. The next exhibit is 35
25 (handing).

CHAD WESTENDORF - ROUGH DRAFT

1 - - -

2 (Description marked
3 PARTYEXB Exhibit
4 Number for identification.)

5 - - -

6 BY MR. BLAND:

7 Q And you filed this on September 21st to no
8 longer be the administrator of the estate; is that
9 correct?

10 A Yes, sir.

11 - - -

12 (Description marked
13 PARTYEXB Exhibit
14 Number for identification.)

15 - - -

16 BY MR. BLAND:

17 Q Okay. And then on 36, you filed your
18 final accounting that we discussed earlier
19 (handing).

20 A Yes, sir.

21 Q And it's the same 26,000 that existed,
22 right?

23 A Yes, sir.

24 Q And we already discussed that you never
25 got ahold of the 50,000 that should have gone to the

CHAD WESTENDORF - ROUGH DRAFT

1 probate court, right?

2 A That is correct.

3 MR. BLAND: Okay. And then Exhibit Number

4 39 -- 37. Sorry. (Hanging.)

5 - - -

6 (Description marked

7 PARTYEXB Exhibit

8 Number for identification.)

9 BY MR. BLAND:

10 Q Is you agreeing, pursuant to our
11 agreement, you sent back the moneys, the \$30,000.

12 A Yes, sir.

13 Q Is that correct?

14 A Yes, sir.

15 Q And that discords you of all the fees that
16 you made, right?

17 A Correct.

18 MR. BLAND: And then 38 (hanging).

19 - - -

20 (Description marked

21 PARTYEXB Exhibit

22 Number for identification.)

23 - - -

24 BY MR. BLAND:

25 Q 38 is the 113,800 that still remained in

CHAD WESTENDORF - ROUGH DRAFT

1 the escrow account, right?

2 A Yes, sir.

3 Q And we have no explanation for that,
4 right?

5 A I have no clue.

6 MR. BLAND: And then 39 (handing).

7 - - -

8 (Description marked
9 PARTYEXB Exhibit
10 Number for identification.)

11 - - -

12 BY MR. BLAND:

13 Q This is -- this tells the story. So this
14 is the escrow analysis account of the moneys. So it
15 shows \$505,000 coming in on December 19th, the day
16 after you were appointed. Then on January 7th,
17 403,500 was paid to Forge, right?

18 A Yes, sir.

19 Q Then 10,000 was paid to you, which we
20 already showed. Then 8,000 was paid to Cory
21 Fleming, which we showed. And we have no idea what
22 that 8,000 represents.

23 Moss Fleming got 50,000. But under the
24 order from Judge Mullen, they were supposed to get
25 \$166,000. Then Cory Fleming takes another \$8,500.

CHAD WESTENDORF - ROUGH DRAFT

1 Do you see that?

2 A I see that.

3 Q On April 3rd, did you know what that was
4 for?

5 A I do not.

6 Q The only legitimate cost was the mediator
7 that was 1,512, which is John Austin. Then the
8 3.8 million is deposited. 2,961,000 goes to Forge,
9 which we already saw. You got your 20,000, which
10 we've already seen. And 600 went to Moss Kuhn when
11 it was supposed to be 1,266,000.

12 A Yes.

13 Q And then another 9,700 went to Cory
14 Fleming. Do you know what that was for?

15 A No, sir.

16 Q So we have almost \$27,000 worth of checks
17 written to Cory from this account for personal
18 expenses which never existed, which is pure theft.

19 And then there was the \$118,000. I showed
20 you that check that was written on October 6th,
21 which left \$113,800, which was wired to my account.
22 So that is the saga of this.

23 And you are still employed by the bank; is
24 that correct?

25 A That is correct.

CHAD WESTENDORF - ROUGH DRAFT

1 Q Are you still the president of the banking
2 association?

3 A That is correct.

4 Q Okay. So you're not allowed to tell me,
5 but have you testified before a grand jury?

6 A I'm not allowed to tell you what?

7 Q The substance of it. But have you
8 testified?

9 A Yes.

10 Q And outside of testifying before a grand
11 jury, have you also been interviewed by SLED?

12 A Yes.

13 Q And gave a statement to SLED?

14 A Yes.

15 Q And you gave a 302 -- have you been
16 interviewed by the FBI?

17 A They were with SLED.

18 Q So that is not privileged as is the grand
19 jury testimony.

20 So I was told that in your statement --
21 you made a similar statement about Judge Mullen,
22 that Judge Mullen knew that the order was not going
23 to be filed.

24 A Yes, sir.

25 Q Is there anything else that you have said

CHAD WESTENDORF - ROUGH DRAFT

1 that you said in there about the two hearings of
2 Judge Mullen that's different than what you said
3 today?

4 A I don't recall anything different.

5 Q Do you think that judge -- based on your
6 personal observation, do you think that Cory Fleming
7 hoodooed Judge Mullen?

8 A I don't know.

9 Q Judge Mullen knew that that order was not
10 going to be filed.

11 A Yeah.

12 Q And the reason was because of the Mallory
13 Beach case, because of the public scrutiny that was
14 attached to it at that time, and Mark Tinsley suing
15 Alec and Paul -- Paul had not died yet -- and the
16 convenience store, Parker's, and some other people;
17 is that correct?

18 A I believe so.

19 Q Okay. I have had some other people
20 consult me, obviously, other than the Satterfields,
21 as this all has unfolded. And I'm noticing in a lot
22 of the files, let's say, for Jinks, Jordan Jinks,
23 and I'm noticing in Sandra Manning, that after they
24 signed up with the Murdaugh firm, they would come to
25 your bank and borrow money.

CHAD WESTENDORF - ROUGH DRAFT

1 Are you aware of that, that loans --

2 A Can you --

3 Q -- that loans would be done? So for
4 Sandra Manning, I have her borrowing a total of
5 \$1,500.

6 A Okay.

7 Q \$500 three separate times. And the
8 interest rate on her loans was 29 percent.

9 A Okay.

10 Q Did you ever do those loans?

11 A I used to. Several years back, I did.

12 Q For the Murdaugh firm?

13 A And there was other firms, too.

14 Q Other firms?

15 A Yeah.

16 Q Okay. How would interest rates be
17 determined? Would they be negotiated with the
18 customer? Would Alex negotiate them or the attorney
19 for the law firm, or you just would set the interest
20 rate?

21 A I was hired 23 years ago. When we came
22 there, they explained to me -- we called them lawyer
23 loans.

24 Q Right.

25 A They were done with people having cases,

CHAD WESTENDORF - ROUGH DRAFT

1 and they would be paid out of the case.

2 Q Right?

3 A 18 percent across the board is what they
4 were. It must be an APR that you were looking at
5 for 29, but most of them were a set rate of
6 18 percent and they were done for one year at a
7 time.

8 Q And then like Jordan Jinks, I had his --
9 his are 22 percent.

10 A It must have just been the APR. All of
11 them -- from my recollection, every one I did was
12 18 percent. That was a fixed rate on those. And I
13 don't know how that was set, what the policy was.

14 Q Is there a default interest rate other
15 than the regular interest rate, if they go in
16 default, if you know?

17 A I don't know.

18 Q A different rate?

19 A Yeah, I don't know.

20 Q To your knowledge, you know, what happens
21 if they weren't repaid? Did you guys ever go after
22 the client or you would just write off the loan?

23 A I don't know.

24 Q In your experience, the loans that you
25 wrote, were they all paid?

CHAD WESTENDORF - ROUGH DRAFT

1 A They were all paid. I don't know --

2 Q They do a pretty good job -- Murdaugh does
3 a pretty good job of collecting money.

4 A Well, I mean, yeah.

5 Q Because you're paid from the settlement
6 proceeds.

7 A That's correct.

8 Q And then it's calculated based on when the
9 loan started to when the repayment happens.

10 A Correct.

11 Q You know, this is new to us in the
12 Midlands about lawyers taking clients to a bank and
13 getting them -- loaning money. It's done for, I
14 guess, Gooding & Gooding firm and all those other
15 firms down there. They do that.

16 Why do the customers need the money? Is
17 it just normal living expenses?

18 A I have no idea.

19 Q I see loans like 1,000, 1,500, 500. I
20 mean, was that kind of the area -- you weren't
21 loaning like 100 grand to somebody on a case, where
22 you?

23 A I never did. All that I ever did -- and
24 usually around Christmas, they were bigger. Not
25 bigger, but more coming in.

CHAD WESTENDORF - ROUGH DRAFT

1 Q They could come back and reup and get more
2 loans?

3 A That's right.

4 MR. BLAND: That's all I have. Thank you
5 very much.

6 MR. LYDON: Great.

7 MR. BLAND: I appreciate it.

8 THE VIDEOGRAPHER: This --

9 THE WITNESS: Will I be able -- I'm sorry.

10 THE VIDEOGRAPHER: This concludes the
11 deposition of Chad Westendorf, media number 2.
12 The time is 12:14 p.m. We are off the record.

13 (The following discussion was held
14 off the video record:)

15 MR. LYDON: We will read and sign.

16 THE COURT REPORTER: And I'll send you a
17 copy of the transcript?

18 MR. LYDON: I don't need a copy because
19 we're out of the case.

20 - - -

21 (Witness excused.)

22 - - -

23 (Deposition was concluded at 12:14 p.m.)

24 - - -

25

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